



National Audit Office

NATIONAL PROBATION SERVICE

The supervision of community orders in England and Wales

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The supervision of community orders
in England and Wales

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SUMMARY

1 The Criminal Justice Act 2003 introduced a new style of community sentence, known as a community order. For offences committed after 1 April 2005, magistrates and judges have been able to tailor community sentences to the severity of the offence and, at the same time, address offending behaviour. This is done by creating an order with one or more of twelve possible requirements, such as unpaid work or drug rehabilitation, to be completed over a defined period. During 2006, the courts gave 121,690 community orders. The most common order contained a single requirement obliging the offender to complete a specified number of unpaid work hours (32 per cent of all orders).

2 The National Probation Service supervises all offenders subject to a community order,¹ plus those released from prison on licence or given other sentences to be served in the community. During 2006-07, the 42 Probation Areas in England and Wales with direct responsibility for supervising offenders in the community spent £807 million.² The Probation Service's total annual offender caseload has increased 32 per cent between 2001 and 2006, while staff increased by 35 per cent over the same period.³ The Offender Management Act 2007 allows providers outside the public sector to deliver probation services which will be commissioned on national, regional or local levels.

¹ With the exception of those offenders subject to a stand-alone curfew monitored by an electronic tag or an attendance centre requirement.

² Of the £807 million it is not possible to isolate how much is spent on community orders.

³ Research Development Statistics NOMS, *Offender Manager Caseload Statistics 2006*. The total offender caseload increased from 177,600 at the end of 2001 to 235,000 at the end of 2006.

3 This report examines how well community orders are managed by the National Probation Service, in particular how well they have been implemented and whether they are meeting sentencing objectives.

Overall conclusion

4 In addition to punishment, community orders offer benefits to the community and offenders. Community orders enable offenders to stay with their families and in their jobs while they serve their sentence and avoid additional pressure on the prison system (although this is not one of their primary purposes). A comparison between the actual reconviction rate and a predicted rate shows community sentences can reduce reconvictions proportionally more than a custodial sentence, although more evidence is required on the effectiveness of individual requirements (for example supervision).

5 Ninety four per cent of the orders we sampled were completed, breached or revoked by the court.⁴ One or more requirements within the remaining six per cent of orders had not been completed when the order expired, due to process and delivery reasons within Probation. No national data on non-completions is available. Some requirements, such as NHS-funded alcohol and mental health treatment, are not available in all Probation Areas, which could limit the effectiveness of an order if offending behaviour cannot be addressed.

6 Given the nature of demands placed on probation and a funding structure which imperfectly matches demand, the Probation Areas we visited are facing increasing challenges to provide probation services to the standard expected by both the courts and the public, which emphasises the importance of improving value for money.

7 The National Probation Service could improve efficiency by increasing the consistency with which community orders are implemented within and between local Probation Areas. Better data on capacity, costs and the number of orders completed as sentenced would help the Service demonstrate value for money in the management of community orders, and will be essential if the move to full commissioning and contestability of probation services, enabled by the 2007 Act is to be successful.

8 To build on the positive impact of community orders to date, our key findings are:

On the components of community orders:

- Some indicators show that community orders achieve positive outcomes such as improvements in offender attitude and behaviour. Recent Ministry of Justice research shows that participation in a group programme has positive effects on reconviction.⁵ However, more research and evaluation is required to determine the effectiveness of requirements, for example the supervision requirement, in achieving the desired sentencing outcomes.
- Some community order requirements, for example alcohol treatment which is largely funded by the National Health Service and delivered in partnership with other agencies, are not available or rarely used in some of the 42 Probation Areas (this is despite strong links between alcohol and offending behaviour). This means orders may not be addressing the underlying causes of offending behaviour as fully as they could.

On how community orders are implemented:

- Excluding cases where an offender is returned to court for failing to comply with their order, some requirements of an order remain uncompleted when the order expires. The National Offender Management Service's (NOMS) own data showed that in 2006-07 2.5 per cent of offenders did not complete their group programme before their order expired. Six per cent of the offenders in our case file review were unable to complete an order requirement before their order ended. Areas need to address the process and delivery issues within Probation which lead to non-completion of sentences given by courts. The chaotic lifestyles of offenders also contribute to the failure to complete requirements.
- There are long waiting lists for some order requirements, in particular group programmes on domestic violence, which increases the risk that requirements remain unfinished when the order ends.
- Neither local Areas nor NOMS can say whether sentences have been fulfilled because data on the completion of order requirements is not routinely reported.

⁴ Source: National Audit Office review of 302 offender case files. National data relating to the accredited programme requirement showed 97.5 per cent of programmes were completed, breached or revoked by the court in 2006-07 (see paragraph 3.4). Completion indicates all the order requirements given by the court were successfully completed before the period of the order expired. Breach occurs when an offender fails to comply with the terms of their order and is therefore returned to court. Probation staff can apply to the court for an order to be revoked if it is no longer considered appropriate to the offender's needs.

⁵ Research Development Statistics NOMS, *Reconviction Analysis of Interim Accredited Programmes Software*, September 2007. Group programmes, also known as 'accredited programmes', involve group sessions run by local Probation Areas to encourage offenders to behave differently. They cover topics such as drink driving and substance misuse.

- Estimates generated for this study of the costs of implementing community orders vary within and between Areas because of variations in the staff grades responsible for certain tasks and local procedures. For example, the Probation staff cost of managing a drug rehabilitation requirement ranges from £1,000 to £2,900 across the five Areas we visited.

On how community orders are resourced, monitored and reported:

- The Probation Service does not know with any certainty how many community orders it has the potential capacity to deliver within its resources, nor has it determined the full cost of delivering community orders. Since the potential capacity of the Service and local Areas is undetermined, the impact of any future changes in, for example, policy or sentencing trends is difficult to estimate and therefore manage.
- Funding of Probation Areas is imperfectly aligned with court demands in terms of the number and type of community orders given.
- The Probation Service's performance targets do not focus sufficiently on outcomes, and in some instances targets can have the potential for unintended consequences. Central demands for data are perceived to be burdensome especially by smaller Probation Areas, and the information returned by the centre lacks sufficient analysis and detail for it to be as useful locally as it could be.

Recommendations

To demonstrate and improve effectiveness, the Ministry of Justice should in the near future:

- a Require Probation Areas to report the percentage of community orders which end before sentence requirements have been completed and the reasons for non-completion, such as breach, revocation by the court or lack of Probation capacity to deliver the requirements, in order to demonstrate effective service provision to sentencers and the local community.
- b Work with bodies such as the Department of Health and voluntary organisations to increase the provision of alcohol and mental health treatment across all Probation Areas to address the causes of offending behaviour.

- c As far as possible, rebalance the range of Probation performance targets to show how well offenders are being managed and the extent to which outcomes of community orders are achieved.

And in the longer term:

- d As far as possible, identify the degree to which the twelve community order requirements reduce reconvictions and achieve other sentencing outcomes for different types of offender to enable sentence planning to be better targeted, for instance through a longitudinal study assessing similar groups of offenders given different sentences.⁶

To improve efficiency, the Ministry of Justice should in the near future:

- e Build on existing work to identify efficient operational practice, disseminate this across the Service and help local Areas implement changes to promote greater consistency in delivery between and within Areas.
- f Rationalise data demands on Areas.

To prepare for the introduction of full commissioning and contestability and enable value for money comparisons to be made, the Ministry of Justice should:

- g Determine the full cost range of implementing different types and volumes of community orders nationally, and assist individual Probation Areas to determine local costs.
- h Identify the capacity in terms of the number and mix of community orders the Service can manage nationally and assist local Probation Areas in identifying their capacity, for example by ascertaining the staff time available at each grade, time needed to manage all offenders under Probation supervision and the costs of services provided by other bodies.
- i Lengthen the funding cycle to three years and increase the flexibility of funding arrangements between Areas so resources can be redirected as necessary to better match courts' demands.

⁶ Any comparison would have to control for the differences in predicted rates of re-offending and other characteristics for different offender cohorts.

Scope and methodology

9 This report considers the delivery of community orders introduced by the Criminal Justice Act 2003 in England and Wales. To limit the study scope, the report does not consider suspended sentence orders⁷ or offenders under licence following release from custody who are supervised by the Probation Service. The number of offenders on licence, which are a priority for the Probation Service as they represent a large proportion of the high risk of serious harm offenders, rose by over 100 per cent between 1995 and 2006.

10 This report does not compare the effectiveness of community orders with the effectiveness of fines or custodial sentences because, in general, the types of offences for which those sentences are appropriate are different from those for which a community order is suitable. Our main sources of evidence are detailed in Appendix 2 and summarised below (**Figure 1**).

1 Main sources of evidence

Method	Purpose
Semi-structured interviews with Ministry of Justice staff	To gather evidence on strategy and performance monitoring of local Probation Areas.
Semi-structured interviews with Probation staff and senior management from five local Probation Areas	To identify the challenges faced in delivering orders across a range of Probation Areas, understand the operation of performance monitoring arrangements and the level of support from the centre. We visited Wiltshire, Northumbria, South Wales, Lincolnshire and London Probation Areas. These were selected to cover a range of Area characteristics.
Review of 302 offender case files across five local Areas	To gather primary data on the use of community orders and the individuals who receive them. We did not extrapolate to the national population on the basis of this sample.
Analysis of data gathered by the National Probation Service	To gain an understanding of the use of community orders and performance against National Standards.
Analysis of HM Inspectorate of Probation data and reports	To reflect the expert assessment of HM Inspectorate on the quality of offender management, we reviewed their assessments of 641 case files. We did not extrapolate to the national population on the basis of the data provided to us by the Inspectorate, although we triangulated results with our case file review findings, see Appendix 6. We also reviewed eleven of their published reports.
Literature review	We commissioned consultants ¹ to review existing literature on the effectiveness of different types of intervention similar to those used in community orders.
Costing workshops	We commissioned consultants ² to derive estimates for the staff costs associated with the delivery of different types of community order and breach proceedings at the five Probation Areas we visited. Because of the size of the London Probation Area, costing work was performed in just one London borough cluster. ³

Source: National Audit Office

NOTES

- 1 Following competitive tender, RAND Europe were commissioned to perform the literature review.
- 2 Following competitive tender, Accenture were commissioned to carry out the costing workshops.
- 3 Newham, Barking/Dagenham and Havering cluster.

⁷ If the offence committed breaches the custody threshold but the sentencer does not feel prison is appropriate they can sentence the offender to a suspended sentence order to be served in the community. The offender would be immediately sent to prison if they breached this order.

PART ONE

Community orders, implemented in 2005, are delivered by the National Probation Service

Community orders were introduced by the Criminal Justice Act 2003

1.1 Community orders are sentences served in the community that address all the purposes of sentencing outlined in the Criminal Justice Act 2003 (see paragraph 1.3). The Act introduced a new type of community order to give courts greater flexibility in sentencing, taking into account offence seriousness and the risk profile of an offender. The courts exercise their discretion when sentencing offenders. Community orders offer sentencers a wide range of sentencing options: from orders with single requirements (such as unpaid work) to address less serious offences, to orders which may contain multiple requirements and make onerous demands of serious and prolific offenders.

1.2 The new style of community order is used for offences committed since 1 April 2005 and by December 2006, 94 per cent of newly issued community sentences comprised the new order.⁸ Where previously courts chose from one of four community sentences, magistrates and judges now select one or more requirements from a menu of twelve to make up the order, see [Figure 2](#).

Community orders aim to meet at least one of five sentencing objectives

1.3 The Criminal Justice Act 2003 put the purposes and principles of sentencing into statute for the first time. A community order should aim to meet one or more of the following objectives:

- Punish offenders;
- Reduce crime (including its reduction by deterrence);
- Reform and rehabilitate offenders;
- Protect the public; and
- Make reparation by offenders to people affected by their offences.⁹

Community orders typically comprise one order requirement and last 12 months

1.4 In 2006, half of all community orders issued had one requirement. The average length of a community order was 14 months (see [Figure 3 on page 10](#)) during which time the offender should have completed all the requirements specified by the court. An order finishes when the time limit set by the court has elapsed, regardless of whether or not the specified requirements have been completed.

⁸ Research Development Statistics NOMS caseload data.

⁹ Reparation may be made to the wider community rather than directly to the victim.

2 A community order will include one or more of the following twelve order requirements

Requirement	Percentage of total requirements issued ¹	Requirement duration	Offender required to:
Supervision	37	Up to 36 months	attend regular meetings with Probation staff to discuss offending behaviour and identify lifestyle changes. Supervision can include referrals to third parties such as housing or education providers.
Unpaid work	31	40–300 hours	undertake demanding and constructive activities such as conservation work or removing graffiti.
Accredited programmes	17	Number of sessions dependent on programme	undertake programmes to learn how to behave differently (e.g. domestic violence or sex offender treatment or drink driving programmes).
Drug rehabilitation	6	6–36 months	with their consent, take part in a drug rehabilitation programme which may involve counselling, treatment and regular testing.
Curfew	4	Up to 6 months and for 2–12 hours a day	be at a particular place at certain times possibly with an electronic tag.
Specified activity	3	Up to 60 days	complete certain activities to assist in tackling or making amends for offending, such as spending time with victims, learning how to manage money or participating in education.
Alcohol treatment	1	6–36 months	with their consent, receive treatment such as detoxification or residential rehabilitation.
Attendance centre	less than 1	12–36 hours, maximum 3 hours per attendance	regularly attend a community centre to undertake physical exercise/indoor training.
Mental health treatment	less than 1	Up to 36 months	with their consent, undertake treatment with a medical professional.
Prohibited activity	less than 1	Up to 36 months	desist from a certain activity, such as attending football matches.
Exclusion	less than 1	Up to 24 months	not enter particular places at certain times, such as town centre or football ground, possibly monitored via an electronic tag.
Residence	less than 1	Up to 24 months	reside at a particular place throughout the sentence, such as Probation managed accommodation.
	100		

Source: Research Development Statistics NOMS commencements data 2006

NOTE

¹ Reflects 203,323 requirements issued during 2006, excluding stand-alone curfews not under supervision of the Probation Service.

The Probation Service manages offenders serving community orders

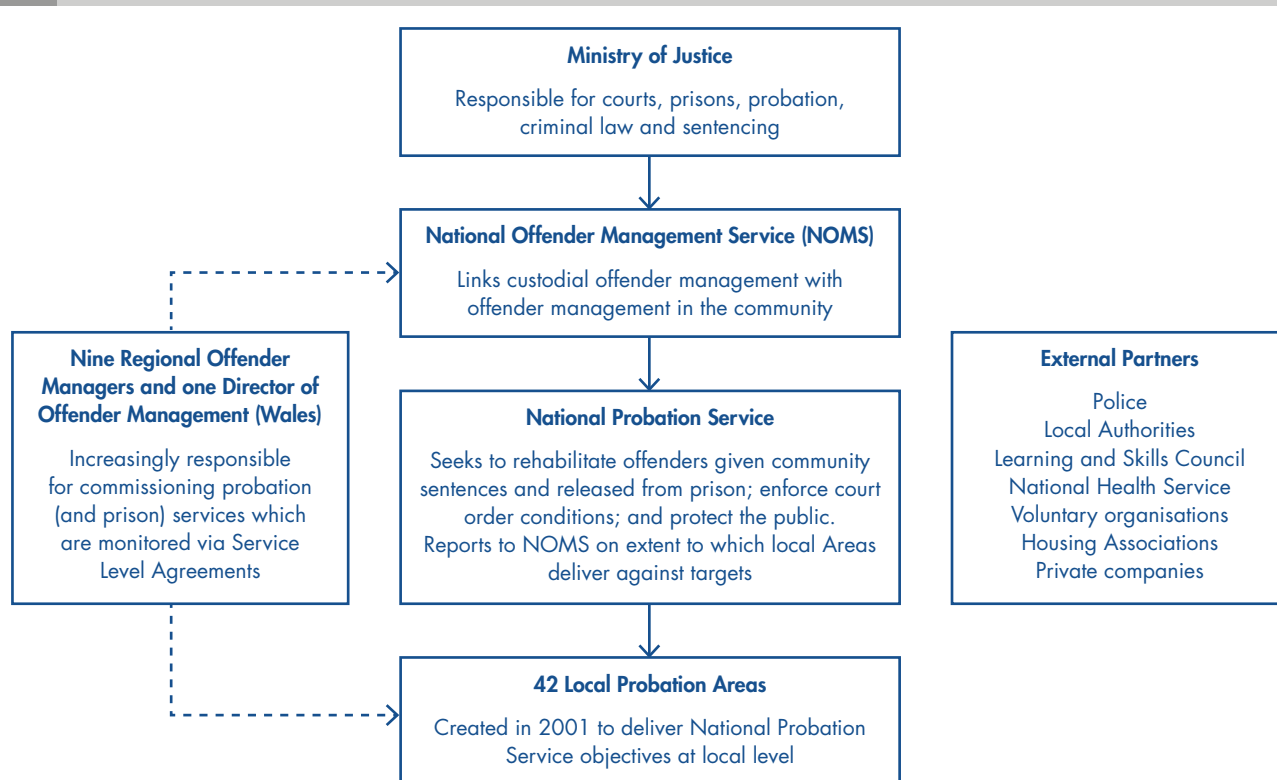
1.5 The parts of the Ministry of Justice involved in the delivery of adult community orders are shown in **Figure 4**. The National Offender Management Service (NOMS), which resulted from the Carter Review and began operating in June 2004, oversees management of offenders in both custody and the community. In 2006, the role of the National Probation Directorate to provide a national steer on policy and performance standards for offenders in the community was absorbed into NOMS. It issues National Standards¹⁰ to outline how offenders should be managed, as well as a set of performance targets on, for example, the number of offenders starting drug rehabilitation or the timeliness of action if an offender fails to comply with their sentence.

3 Of the 121,690 orders given in 2006, 50 per cent contained one order requirement

Number of order requirements given by the court	Percentage of orders during 2006	Average length (months)
One	50	12
Two	35	15
Three	14	16
Four or more	1	18
All orders	100	14

Source: Research Development Statistics NOMS analysis of 2006 probation commencements data covering 121,690 community orders

4 Structure for delivery of community orders through the Ministry of Justice



Source: National Audit Office

NOTE

External partners include private companies such as G4S who monitor electronically tagged offenders, and Primary Care Trusts who are responsible for the provision of alcohol misuse treatment.

10 National Standards, set by NOMS, dictate how offenders should be managed on a daily basis, for example by detailing the timescale for completion of risk of harm assessments and commencement of order requirements following sentencing. Report references to National Standards relate to the 2005 version, which have recently been replaced by *National Standards for the Management of Offenders, Standards and Implementation Guidance 2007* which reflect the NOMS Offender Management Model.

1.6 Forty-two local Probation Areas, termed the National Probation Service, are responsible for the front line delivery of community orders and supervision of offenders in accordance with National Standards. Each local Probation Area is independently governed by a Probation Board responsible for what happens in that Area. Areas (listed in Appendix 3) have some autonomy, for example over the employment of staff, within centrally set performance and financial limits. This autonomy, coupled with varying local characteristics, gives rise to differences in operational processes and performance.

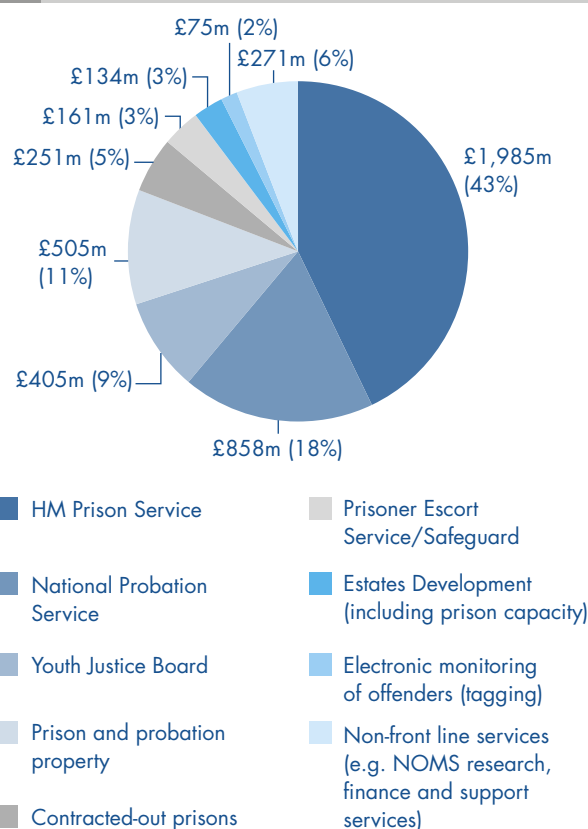
1.7 Within local Areas, Offender Managers are responsible for the day to day management of offenders. Both before and after sentencing Offender Managers are responsible for an assessment of offending related needs in order to produce a sentence plan outlining the front line work to be undertaken. To determine the resources devoted to a case, they allocate offenders within a four tier structure based on the complexity of the sentence, the offender's needs, the assessed risk of serious harm and likelihood of re-offending, see Figure 25. The community order process for offenders is shown in Figure 28, Appendix 1.

1.8 Her Majesty's Inspectorate of Probation plays an important role overseeing the quality of probation services. The Inspectorate is an independent body reporting directly to the Secretary of State on the effectiveness of probation work aimed at reducing re-offending and protecting the public. The Chief Inspector reports on how well offender management is being implemented in specific Probation Areas, as well as producing thematic reviews on high profile issues such as community penalty enforcement and public protection.

Spending on probation has increased over recent years

1.9 The National Offender Management Service is responsible for funding probation services. The 2007-08 budget (£4,646 million) includes £858 million allocated to local Areas to support front line delivery staff costs, see **Figure 5**. NOMS funds further front line activities centrally including £22 million to the Department of Health for drug rehabilitation and £75 million for private sector contracts for the management of offenders on community orders who are subject to an electronic tag.¹¹ Other organisations provide services to offenders in the community; the Learning and Skills Council spent £9 million on basic skills services in the 2006-07 academic year.

5 Ninety four per cent of the £4,646 million central 2007-08 NOMS budget is spent on front line activities



Source: NOMS Finance

¹¹ National Audit Office, *The Electronic Monitoring of Adult Offenders* (HC 800 2005-06), February 2006. The report found electronic monitoring constituted good value for money; however its effectiveness was potentially undermined by delays in fitting tags and responding to breaches.

1.10 Between 2001-02 (when the 42 local Areas were established) and 2006-07, total probation spending increased 54 per cent; which included a 40 per cent increase of local Area spend, see **Figure 6**.

The National Probation Service workload has increased over recent years

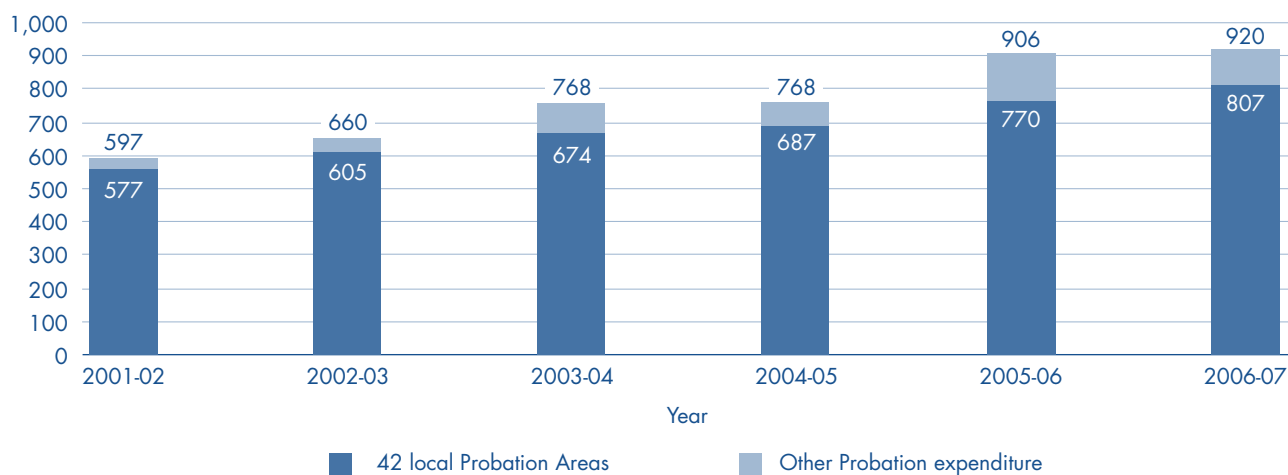
1.11 Between 1995 and 2005, the number of community sentences given by courts increased by more than 50 per cent. They constituted 14 per cent of the 1.5 million sentences given in 2005 (**Figure 7**). This increase has contributed to the rising number of offenders being managed by Probation: at the end of 2006, 235,000 offenders were being managed, compared to 139,700 in 1995. **Figure 8** shows the Probation caseload from 1995 to 2006 for offenders on licence and court orders, including community and suspended sentence orders.¹²

1.12 Reasons for this increase in Probation Service caseload may include:

- increased emphasis on community orders as a sentencing option because sentencers are aware of the positive impact on reconviction rates of community orders,¹³ and orders are cheaper to implement and less disruptive to the lives of offenders and their families than custody;
- an escalation in the severity of sentencing from a fine to a community order because some sentencers lack confidence in the enforcement of fines collection.¹⁴ The proportion of offenders in receipt of a community sentence increased 4 per cent from 1995 to 2005, compared with a 4 per cent decrease in those receiving fines, and little change in the proportion of offenders given custody;
- more offences falling within the community order sentencing threshold are coming before the courts; and
- the introduction of new sentences such as the suspended sentence order and an increase in offenders being released early from custody on licence.

6 The total actual spending on Probation has increased 54 per cent since 2001-02

Actual spend (£ million)



Source: 'Other Probation expenditure' reflects latest available un-audited figures from NOMS Finance. Local Probation Area spend taken from the audited Consolidated Boards Accounts.

NOTES

- 1 Local Probation Area spending reflects the net operating cost as per the audited consolidated accounts. Following standard accounting practice, local Areas' pension contributions are not reflected in the figures.
- 2 Other probation expenditure includes spending by the National Probation Directorate and latterly NOMS headquarter as provided by NOMS from un-audited management accounts. This excludes costs relating to electronic monitoring and the provision of drug rehabilitation. Comparisons over a long period are difficult due to machinery of government and accounting changes and some costs which used to be incurred by local Areas (for example estates) which are now funded centrally and included in 'Other probation expenditure'.

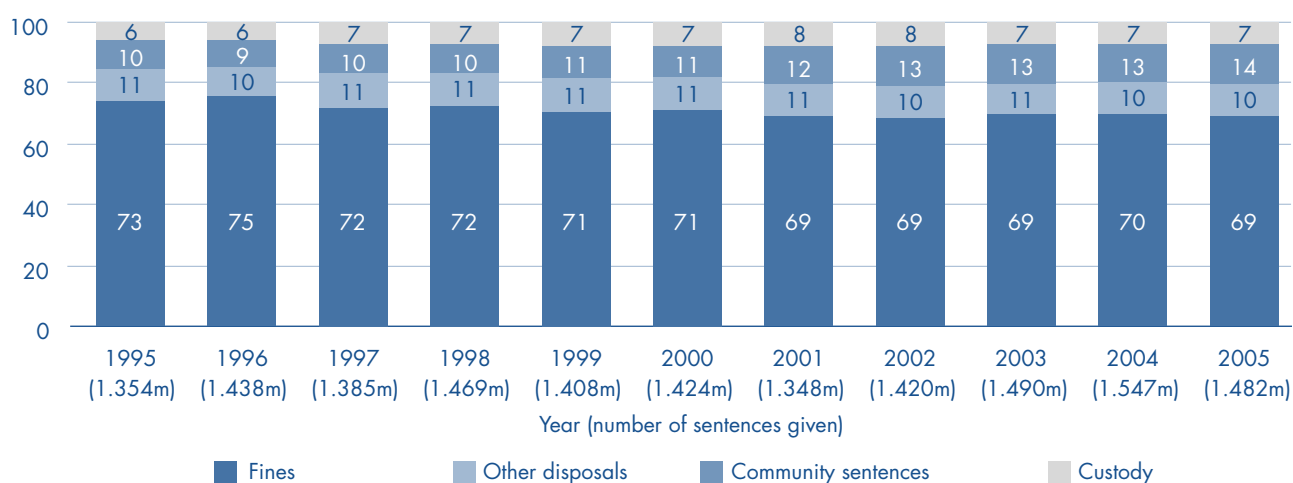
¹² In Figure 8, some offenders are counted in both pre and post release from custody and court orders, thus figures from Figure 8 do not equal the total given in the text (paragraph 1.11 and Executive Summary).

¹³ Research Development Statistics NOMS, *Re-offending of adults: results from the 2004 cohort*, March 2007. 50.5 per cent of offenders sentenced to a community sentence in the first quarter of 2004 re-offended over the following two years compared to a predicted rate of 54.1 per cent based on offenders in 2002.

¹⁴ National Audit Office, *The Department for Constitutional Affairs: Fines Collection* (HC 1049, 2005-06), May 2006.

7 In the ten years to 2005, the proportion of community sentences given by courts increased four per cent

Percentage of sentences given



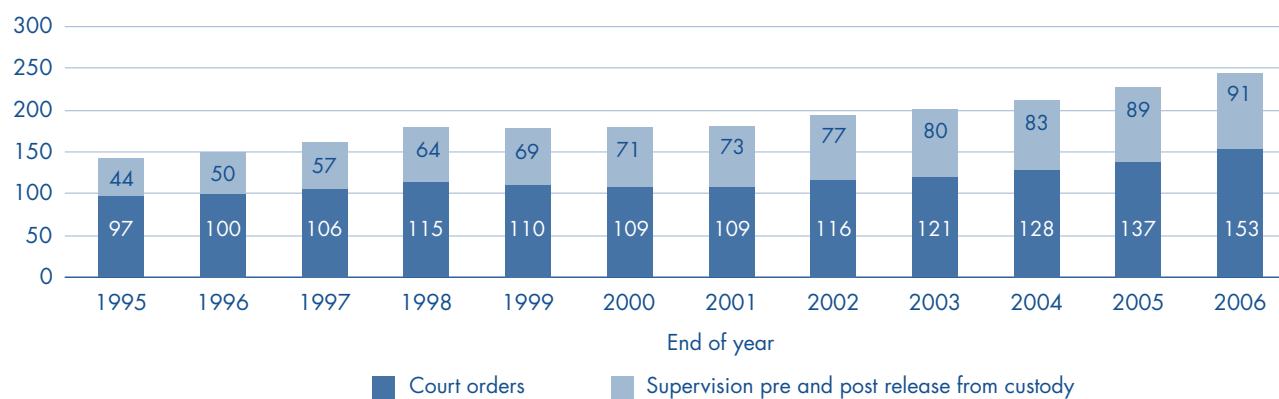
Source: Research Development Statistics NOMS, Sentencing Statistics 2005, January 2007

NOTE

Other disposals include absolute or conditional discharges, suspended sentences and suspended sentence orders. By their nature, community orders and custody will only relate to individuals, however fines and other disposals could relate to corporate entities.

8 In the ten years to 2006, Probation caseload across England and Wales increased by almost 100,000 offenders

Number of offenders supervised by Probation (000s)



Source: Research Development Statistics NOMS, Offender Management Caseload Statistic 2005, December 2006

NOTE

Due to a change in the measurement method, figures up to 2002 are NOMS estimates.

1.13 In addition to rising caseloads, the work required to supervise offenders has increased. Reasons for this may include the:

- introduction of an order with multiple components which is more resource intensive;
- offenders on licence have increased by over 100 per cent from 1995 and these offenders are generally more resource intensive to supervise (given the higher risk of serious harm they commonly present); and
- accredited group programmes introduced in 2003 require additional trained staff (33,645 offenders were given an order requirement containing a programme in 2006).

1.14 The rise in Probation workload has been supported by an increase in Probation staff of 35 per cent between 2001 and 2006.¹⁵ However the impact of increased workloads on the capacity of Probation to deliver what is expected by the courts and the public has not been clearly assessed. Insufficient work has been undertaken to assess whether increased resources devoted to Probation are at the correct level to support the increase in services that has to be provided.

¹⁵ National Audit Office analysis of *Workforce Information Reports*, Ministry of Justice. At the end of 2001, 15,788 staff were employed at local Probation Areas compared to 21,371 at the end of 2006.

PART TWO

Community orders are achieving positive results, but more research on effectiveness is needed

Short term reconviction rates for offenders on community orders show early positive indications

2.1 Reconviction rates are measured two years after sentence and take a year to produce, so reliable information showing the reconviction rates for the new community order will not be ready until 2009.¹⁶ Reconviction is measured two years after sentence to allow time for offenders to re-offend and for offences to be proven. NOMS data from 2004 show that those sentenced to old style community sentences have a 50.5 per cent chance of reconviction, compared to a predicted rate of 54.1 per cent. For the same period, the actual reconviction rate for those released from custody is 67 per cent.¹⁷

2.2 Short term reconviction indicators show low levels of reconviction for offenders on a community order (see Figure 9). In September 2007, the Ministry of Justice made three month reconviction data available for the first time. On a local Area basis, the number of offenders under supervision that are convicted or cautioned over the following three months is compared to a predicted reconviction rate.¹⁸ At the end of December 2006, there were 26 Areas achieving lower reconviction rates than predicted and 12 instances of a higher rate than predicted, see Appendix 3.¹⁹

2.3 In addition to reducing the number of re-offenders, the long term aim of a criminal justice sanction is to reduce the frequency and severity of re-offending.

9 Short term reconviction figures from a number of sources are broadly consistent

Author	Source	Short term reconviction indicator
HM Inspectorate of Probation Offender Management Inspection	641 case files, of offenders at least six months into sentence, across eleven local Area inspections.	28% (182 offenders) reconviction rate of which: <ul style="list-style-type: none"> ■ 26% (48 offenders) reduced severity of offence ■ 53% (97 offenders) reduced frequency of offending
National Audit Office case file review	302 completed community orders across five local Areas.	26% (77 offenders) reconviction rate
NOMS experimental information on three month reconviction rates	All offenders in an Area caseload at the end of December 2006 who were reconvicted over the following three months.	9.7% actual reconviction rate, compared to a predicted rate of 10.2%

Source: National Audit Office analysis

NOTE

Results from the National Audit Office and Inspectorate reviews should not be extrapolated to the national population.

16 The Public Service Agreement for 2008-11 will be produced on a timelier basis as it is based on a one year follow-up period.
 17 Research Development Statistics NOMS, *Re-offending of adults: results from the 2004 cohort*, March 2007.
 18 Reconviction rates are compared to predicted rates (derived from actual data from December 2005).
 19 Research Development Statistics NOMS, *Re-offending by Probation Area – 2006 cohorts*, September 2007.

The new Public Service Agreement target from April 2008 will include explicit components on frequency and severity, and NOMS intends to publish data on these components before then. The Inspectorate reviewed a sample of cases at least six months into the sentence and found 28 per cent of these offenders had been reconvicted of a further offence. Of those, 26 per cent had committed an offence of lesser severity than the original, and 53 per cent were instances of reduced frequency of crime. During 2006-07, 260 offenders were convicted of a serious further offence²⁰ committed whilst completing their community order under Probation supervision.

2.4 Information on offences committed while under Probation supervision is necessary to ensure the Offender Manager has a full understanding of the risk of serious harm and re-offending presented by the offender. There is no prescribed structure to inform Offender Managers of further offences committed on an individual offender basis. Offender Managers told us they primarily rely on offenders telling them they have re-offended, or being called upon to give evidence at an offender's subsequent sentencing hearing, although Police and court-based Probation staff can also be a source of information.

Community orders achieve some positive impacts

2.5 Given the lack of available information on the extent to which community orders achieve other sentencing outcomes (aside from reconviction), we identified a number of possible indicators of short term impact. It should be noted that not all order requirements are designed to meet the same sentencing purposes set out in paragraph 1.3. For example, unpaid work is generally used by courts for punishment and reparation rather than to reduce the likelihood of re-offending.

The punishment objective is being achieved in a large number of cases

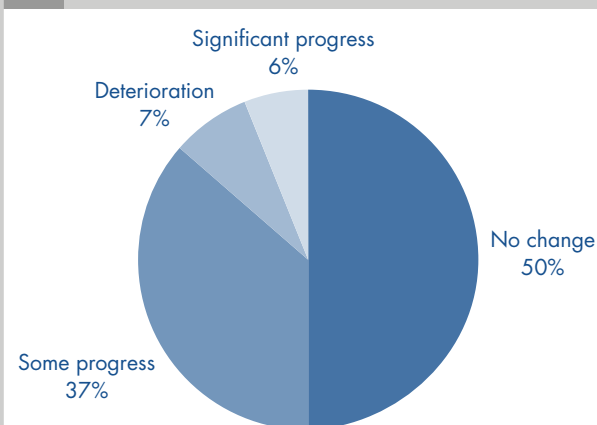
2.6 The Criminal Justice Act 2003 establishes punishment as a key sentencing objective. The Inspectorate of Probation assessed this as having been achieved in 81 per cent of 641 cases it examined.²¹ For unpaid work to be seen to be punishing and implemented properly, it needs to be sufficiently demanding. Probation Inspectors considered only 63 per cent of unpaid work placements suitably demanding.²²

Offenders present lower risk of serious harm and changes in attitudes and behaviour following a community order

2.7 Through our case file review and analysis of Inspectorate of Probation data (see Appendix 6) we identified some positive changes in offender attitudes and risk of serious harm (see Glossary) following completion of their community order:

- where risk of harm assessments were completed throughout the order there was a general improvement in offenders' assessed risk of harm. Our case file review showed only 17 per cent of offenders' risk of serious harm worsening during the order;
- only a minority of offenders showed a deterioration in factors contributing to offending behaviour (**Figure 10**); and
- a small number of offenders given a drug rehabilitation requirement achieved negative drug test results (28 per cent of the 887 test results recorded as part of our case file review).

10 HM Inspectorate of Probation assessed 43 per cent of factors influencing offending as showing an improvement



Source: National Audit Office analysis of 641 Inspectorate file reviews (1,305 factors assessed after removing those cases where no data available)

NOTE

The Inspectors use their experience to assess the factors which may contribute to an individual's offending behaviour (such as drug misuse, 'emotional well-being', 'lifestyle and associates' and 'thinking and behaviour') and the progress made against these throughout the order. Changes in OASys scores may be explained through an Offender Manager's improved knowledge of an offender throughout an order.

²⁰ Defined by NOMS and includes very serious violent, sexual and kidnapping offences. Specific offences include murder, rape and arson with intent to endanger life.

²¹ National Audit Office analysis of 641 Inspectorate file reviews; the key objective in 605 cases was punishment. The Inspectorate judged that this had been achieved in 492 instances.

²² National Audit Office analysis of 641 Inspectorate file reviews; 307 cases included unpaid work of which 194 were deemed suitably demanding.

2.8 In order to prove that these positive outcomes are a result of the community order and not a result of some other factor in offenders' lives, a comparison group of statistically matched offenders who did not receive community order interventions would need to be observed. In the absence of such a control group, and given the paucity of other data on outcomes of community orders we present these findings as early indicators of possible benefits and note that these findings are not based on a large enough population to be statistically significant. These findings cannot be extrapolated nationally.

Community orders provide offenders with opportunities to gain education and skills

2.9 A large number of offenders under Probation supervision are referred to third party education providers: during 2006-07, 60,118 skills for life referrals²³ were made which exceeded the target of 48,000 by 25 per cent. Probation is responsible for monitoring and recording progress on such courses. Over the same period, 12 per cent of offenders (19,266) under Probation supervision secured a job and 13,829 maintained this job for at least four weeks.²⁴ Unpaid work gives offenders the opportunity to gain qualifications in, for example, Health and Safety or woodwork. These qualifications are not consistently recorded on case management systems and it is hard to know how many are achieved; our case file review identified four cases where recognised skills and qualifications had been obtained through a community order.

Beneficiaries of unpaid work are satisfied with work undertaken

2.10 Seventy three per cent of the unpaid work placements examined by the Inspectorate of Probation were judged to be of benefit to the community and they found a good standard of work had been delivered to beneficiaries.²⁵ Beneficiaries of unpaid work projects were also supportive of the work undertaken. For example, 99 per cent of organisations working with the London Probation Area said they would use the service again.

More research on outcomes would make it easier to judge effectiveness

2.11 Research is lacking on the effectiveness of some community order requirements in achieving a reduction in reconvictions, reforming and rehabilitating offenders and paying reparation to the victims of crime, although ongoing research will add to the evidence base.²⁶ This information is important in order to assess the effectiveness of different requirements. The effectiveness of order requirements is difficult to measure given offenders' individual personal characteristics and the intangible outcomes that can be achieved. We commissioned a review of available literature on the effectiveness of requirements used in community orders. Since there is little literature available on the specific requirements used in the UK, our reviewers looked at the available research on comparable interventions used in other countries. The review (**Figure 11 overleaf**) found significant gaps in available research and the need for more high quality studies to determine which interventions are effective in reducing reconvictions.

2.12 A recent NOMS review of accredited programmes supports our consultants' findings on cognitive based therapies, having found "there is a positive indication that accredited programmes may be effective in reducing re-offending".²⁷ Statistically, reconviction was significantly lower than the predicted rate for most accredited programmes during 2004. Even those offenders who started but did not complete a programme showed an improvement. Furthermore, there is some evidence on the effectiveness of unpaid work: NOMS data from 2004 show 37.9 per cent of offenders sentenced to unpaid work had been reconvicted two years after sentencing, compared to a predicted rate of 43.5 per cent.²⁸

23 Skills for life is run by the Offender Learning and Skills Service and focuses on the basic skills offenders need to gain employment. Local colleges generally provide the skills for life courses.

24 National Probation Service, *Performance Report 24*, 2006-07. The target was 15,000 work commencements and 12,000 offenders retaining employment for 4 weeks. Research Development Statistics NOMS Caseload data as at end of March 2007 showed 160,680 offenders commencing probation supervision in the previous 12 months.

25 HM Inspectorate of Probation, *Working to make amends: An inspection of the delivery of enhanced community punishment and unpaid work by the National Probation Service*, 2006.

26 For instance work being conducted by NOMS on the effectiveness of requirements for women and young offenders.

27 Research Development Statistics NOMS, *Reconviction Analysis of Interim Accredited Programmes Software*, 2007.

28 Research Development Statistics NOMS, *Re-offending of adults: results from the 2004 cohort*, March 2007.

2.13 The NOMS research team is proposing to conduct a large cohort study over coming years to explore the relationship between offending behaviours, sentence plans and outcomes in a nationally representative sample of offenders receiving a community order. It will indicate the types of interventions offenders may benefit from given their characteristics and the factors contributing to their offending behaviour. A separate unit cost study will provide evidence on the cost of interventions to facilitate a cost benefit analysis.

11 Availability of research and findings for elements of the community order

Community order element	Quality of studies ¹	Evidence of positive impact on re-offending ²
Domestic violence programme	High	Weak
Cognitive behaviour therapies ³	High	Strong
Anger management programmes	Low	Inconclusive
Unpaid work	Low	Weak
Intensive supervision	Medium	Inconclusive
Less intensive supervision	High	Weak
Education and basic skills	High	Weak
Drug treatment ⁴	High	Strong
Alcohol treatment	Medium	Inconclusive
Mental health treatment	Low	Strong

Source: RAND literature review undertaken on behalf of National Audit Office

NOTES

- 1 Studies were judged to be of high quality if there were at least six studies identified using randomized designs.
- 2 Evidence for the impact on re-offending was judged to be high if there was consensus among best designed studies that the intervention was effective.
- 3 Domestic violence and anger management programmes can be run using cognitive behavioural therapy techniques.
- 4 Strong evidence of effectiveness for some types of treatment on reducing re-offending, for example methadone replacement therapy.
- 5 The majority of the scientifically rigorous studies reviewed by our consultants were not done in the UK so these conclusions are presented with the caveat that they may not necessarily be transferable to the context of community orders used in England and Wales.

PART THREE

Community order requirements are nearly always delivered in full, but some improvements in operational practice are needed

Community orders are challenging to deliver due to the complexity of offender needs

3.1 Local Probation Areas face challenges in delivering community orders. Offenders often lead chaotic lives with uncertain or unstable personal relationships, finances and accommodation, and in some cases substance addictions and mental health problems. Offender Managers face challenges in fitting the delivery of order requirements around offenders' childcare responsibilities or employment. Transporting offenders to and from sessions can be logistically and financially challenging in rural and sparsely populated Areas. Also, the provision of requirements needs to be sensitive to the needs of women and ethnic and religious minorities.

Transparent reporting of order completions is necessary

3.2 Successful completion of community orders is necessary if the aims of punishment, reduced re-offending and public protection are to be met. Reporting the number of community orders completed in accordance with the wishes of the courts is also needed for Probation to illustrate that it is delivering a service in line with its objectives and public expectations.

3.3 There are three main reasons why an order may not be completed as originally intended: the offender may be returned to court for failing to comply with the terms of the order (this is termed a 'breach') and given a more onerous sentence than the first; the order may be revoked by the court either for a further offence or following an application by Probation; and the Probation Service may not be able to deliver the requirements within the timeframe of the order.

Ninety four per cent of our sample cases were completed, but limited national data exists

3.4 An order finishes when the time limit set by the court has elapsed, regardless of whether or not the specified requirements have been completed. There is no national data for eleven of the twelve order requirements to show how many of the requirements given by sentencers have been completed by offenders. In the case of group programmes, Probation staff record on a database whether an offender has completed a programme, and if not why not. This data shows that 2.5 per cent of offenders²⁹ in 2006-07 failed to complete their accredited programme before expiry of the order due to process and delivery reasons within Probation.³⁰ This means 97.5 per cent³¹ of offenders sentenced to an accredited programme either completed it, were breached or removed from the programme.³² There was a 2.4 per cent year on year percentage fall (from 4.9 per cent in 2005-06) in the number of programmes not completed as a result of expiry.³³

29 NOMS, *Annual Report for Accredited Programmes 2006-07*. During 2006 accredited programmes constituted 17 per cent of the 203,323 requirements issued, see Figure 2.

30 This rate of non-completion does not include cases where the offender failed to comply with the order and was breached, or where Probation staff returned to court to request revocation of the requirement.

31 The 97.5 per cent completion rate relates only to the accredited programme requirement in 2006-07. Our case file review, covering all twelve requirements, found 94 per cent of offenders had completed, breached or revoked their orders (see paragraph 3.5).

32 Reasons for an offender's removal from a programme could include: employment or education commitments, health issues or a re-assessment of their suitability for the programme. In these instances, the offender ought to be returned to court for the programme requirement to be removed.

33 National Probation Directorate Interventions Unit, *Annual Report for Accredited Programmes 2005-06*.

3.5 As part of our case file review we sampled orders covering all twelve requirements and found that in six per cent of cases (18 out of 302 case files) the offender failed to complete one or more order requirements given by the court before the order expired (excluding breach and revocation cases), see **Figure 12**. In a further three per cent of cases (eight out of 302) we could not tell from the electronic and paper records whether or not the requirement had been completed. Nonetheless, we found evidence that the Service had continued to monitor the offender via risk of harm assessments and ongoing supervision. Our case file findings are not necessarily representative of the national picture but indicate that some level of incomplete requirements is likely to be found at other Probation Areas. Magistrates and Probation staff told us that the law is unclear on the action required if order requirements cannot be completed before the order expires. Figure 12 shows we found limited evidence of cases being returned to court for uncompleted requirements.

3.6 Although rates of non-completion are not nationally reported (except for programmes), the Probation Service reports the volume of some order requirements completed by offenders, such as unpaid work, accredited programme and drug rehabilitation requirements (see **Figure 13**). These data show volumes of requirements delivered have increased over the last few years; however these volumes are not set against the number of requirements given by courts. This means that the extent to which orders have been fulfilled (i.e. all requirements completed) by the time the order ends is not known. Local Probation Areas and the Service as a whole are therefore unable to report whether or not the sentences given by courts have been carried out, which could impact sentencer and public confidence in community orders.

12 Of 302 case files sampled we found a lack of evidence of completion of 26 requirements

Requirement	Total cases in our sample with requirement	Cases where requirement not complete	Cases where completion unclear	Cases where order revoked by the court at Probation request
Accredited programme	88	10 (11%)	2 (2%)	3
Specified activity	54	6 (11%)	3 (6%)	0
Mental health treatment	17	0	3 (18%)	0
Alcohol treatment	19	2 (11%)	0	0
Number of offenders out of 302 sampled	178	18 (6%)	8 (3%)	3 (1%)

Source: National Audit Office case file review of 302 offender case files

NOTE

Findings cannot be extrapolated to the national population.

13 Across the Service, the volume completions of certain order requirements in 2006-07 were greater than 2005-06 and exceeded target

Order requirement	2005-06 delivered	2006-07 target	2006-07 delivered	Increase from 2005-06 (%)	2006-07 performance compared to target (%)
Unpaid work orders	51,026	50,000	55,514	9	111
Offending behaviour programmes	17,127	17,500	19,875	16	114
Drug rehabilitation	3,977	5,000	5,939	50	119

Source: National Probation Service, Performance Report 24 2006-07, June 2007

3.7 We identified a number of reasons for offenders not completing their requirements before expiry of the order:

- **Waiting lists for requirements** mean if an offender is delayed in starting his/her requirement there may not be time to complete it before the end of the order. Certain programmes, such as the Integrated Domestic Abuse programme are particularly lengthy (at least 27 weeks) and difficult to complete within the timeframe of some orders.
- Since **only two programme catch-up sessions** are permitted, an offender will usually be removed from a programme if he/she is absent on more than two occasions, although local Areas can exercise some discretion in this regard. Although these may be acceptable absences (e.g. childcare or work commitments) the offender will still be removed from the course and placed on a list to start the programme again.
- **Work or childcare commitments** make it difficult for some offenders to attend. The Probation Service runs evening and weekend classes but availability of accredited programme tutors at these times can be a limiting factor to their provision.
- **The chaotic lifestyles** of many offenders can disrupt attendance and delivery of programmes.

3.8 The Performance Management Unit is currently developing a sentence outcome measure which records the extent to which planned interventions have taken place or have been completed. The measure will be reviewed in 2008 and if deemed successful will be added to the main performance framework.

The Service has successfully achieved its own timeliness enforcement target

3.9 According to National Standards, an order should be 'breached' following an offender's second unacceptable failure to attend within a twelve-month period, and the offender will be returned to court. The number of breached orders is not reported nationally. In order to get an indication of the percentage of orders breached, we analysed data for February to April 2007 for the five local Areas we visited. This showed that around 18 per cent of orders were breached in those Areas over that period. An additional 12 per cent of orders had been revoked as a result of a further offence and six per cent were revoked following application to the court, for example, because some requirements were unsuitable. This sample is not statistically robust enough to be extrapolated to the national population.

3.10 To maintain the credibility of the community order, enforcement needs to be timely and consistent. During 2006-07, the Service successfully achieved its timely enforcement target by starting the necessary procedures within ten working days in 90 per cent of cases. The Service contributes to a joint target with the Local Criminal Justice Board to resolve enforcement court proceedings on a timely basis³⁴ but there was less success in achieving this target.

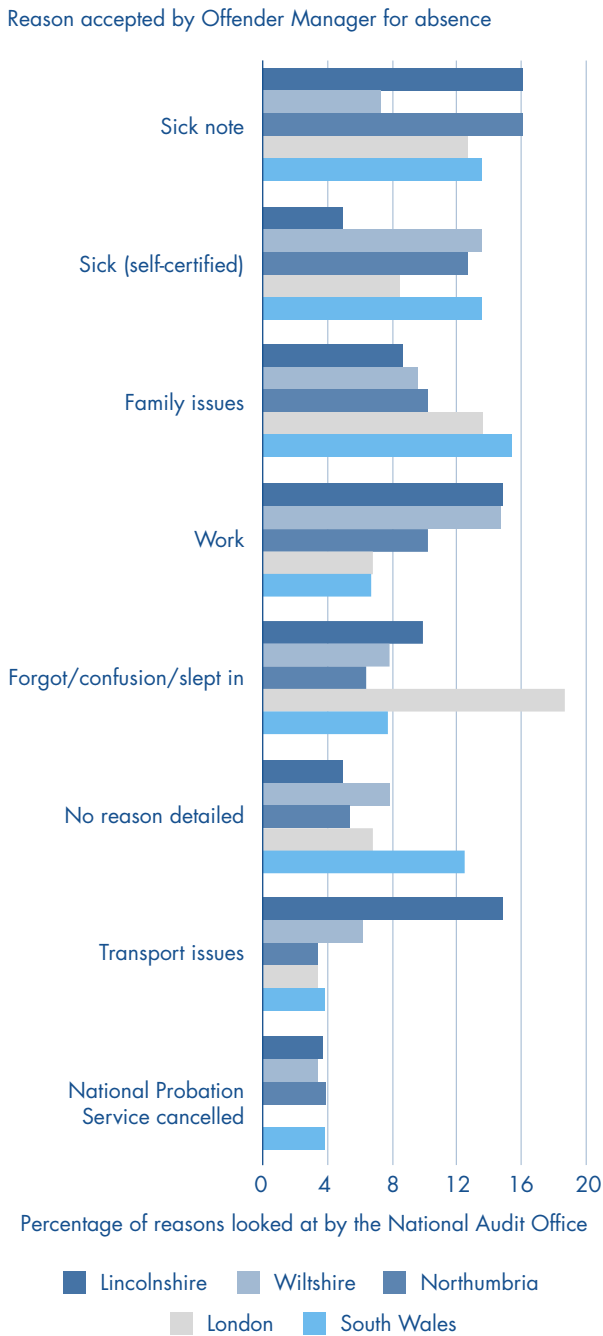
Enforcement guidance on offender absence needs to be followed rigorously

3.11 Offender Managers exercise some discretion in determining the acceptability of reasons for absence. National guidance issued in 2004 requires all absences to be treated as unacceptable unless proven otherwise and briefly summarises acceptable reasons: medical appointments, work or appointments with other agencies. However, local Areas we visited were unaware of this guidance and some had developed their own local directions (see Appendix 1). In the cases we reviewed, we found local Area variations in the number and type of absences accepted by Offender Managers, **Figure 14 overleaf**, and that occasionally Offender Managers may accept 'unacceptable' reasons when more rigorous enforcement would be more appropriate, **Figure 15 overleaf**. Current Offender Manager work pressures and the time taken to return cases to court increases the risk that breach might not be instigated when it should. NOMS's national data show that between April and July 2007, an average of three 'failures to attend' were accepted in the first 26 weeks of an order. The average number of acceptable 'failures to attend' during that period ranged from 4.8 in Bedfordshire to 1.8 in Hertfordshire.

3.12 We identified the sorts of reasons accepted by Offender Managers for absences during our case file review (see Figure 15): nine per cent involved an offender forgetting their appointment or sleeping in and 11 per cent were due to self-certified sick note. Four per cent of reasons were accepted because the Area itself may have been at fault, for example Offender Managers were unavailable or an appointment letter had not been sent. Other reasons accepted included the order having less than a week to run and the offender having a positive attitude.

³⁴ Target for 50 per cent of breach cases to be resolved in 25 days, with an average of 35 days. During 2006-07, breach cases took on average 45 days to resolve and 48 per cent were resolved in 25 days. *Performance Report 24 2006-07*, June 2007.

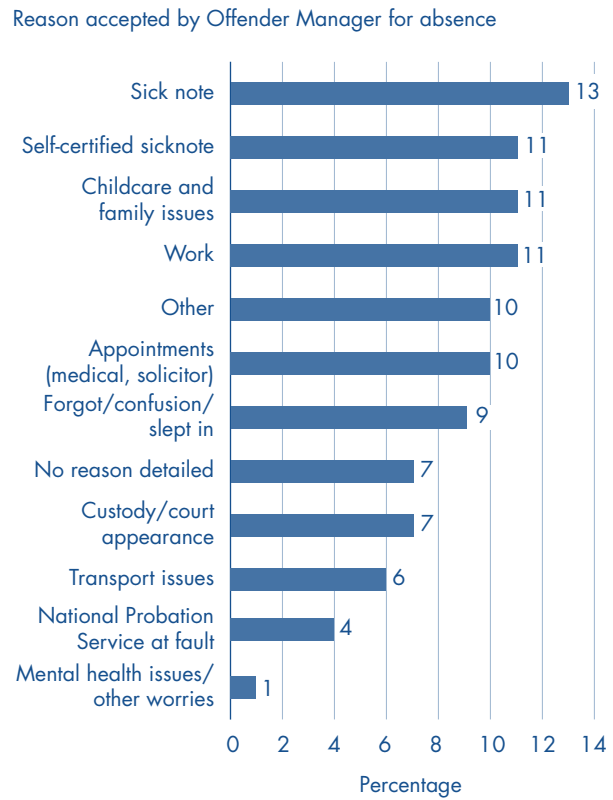
14 Across five local Areas, there are variations in reasons accepted by Offender Managers for an offender's absence



Source: National Audit Office analysis of 302 offender files across five local Areas, covering 686 acceptable absences. Figures should not be extrapolated nationally.

NOTE
For full breakdown see Appendix 6, figure only shows sample of reasons accepted by Offender Managers.

15 Most reasons accepted by Offender Managers for an offender's absence relate to sickness and reasons were not recorded in seven per cent of instances



Source: National Audit Office analysis of 686 acceptable absences drawn from 302 offender files across five local Areas

3.13 Seven per cent of reasons for absence (48 cases) were not clearly recorded. In addition, the case management system used in London allows absences to be recorded as acceptable, unacceptable or 'pending' whilst a decision on acceptability is made. We identified 11 instances in London where a final decision had not been made before expiration of the order. Our analysis of the cases reviewed by HM Inspectorate of Probation showed that Inspectors assessed 13 per cent of offenders as having inconsistent or inappropriate absences accepted (83 of 641 cases).

Good practice on enforcement processes and costs needs to be more widely shared

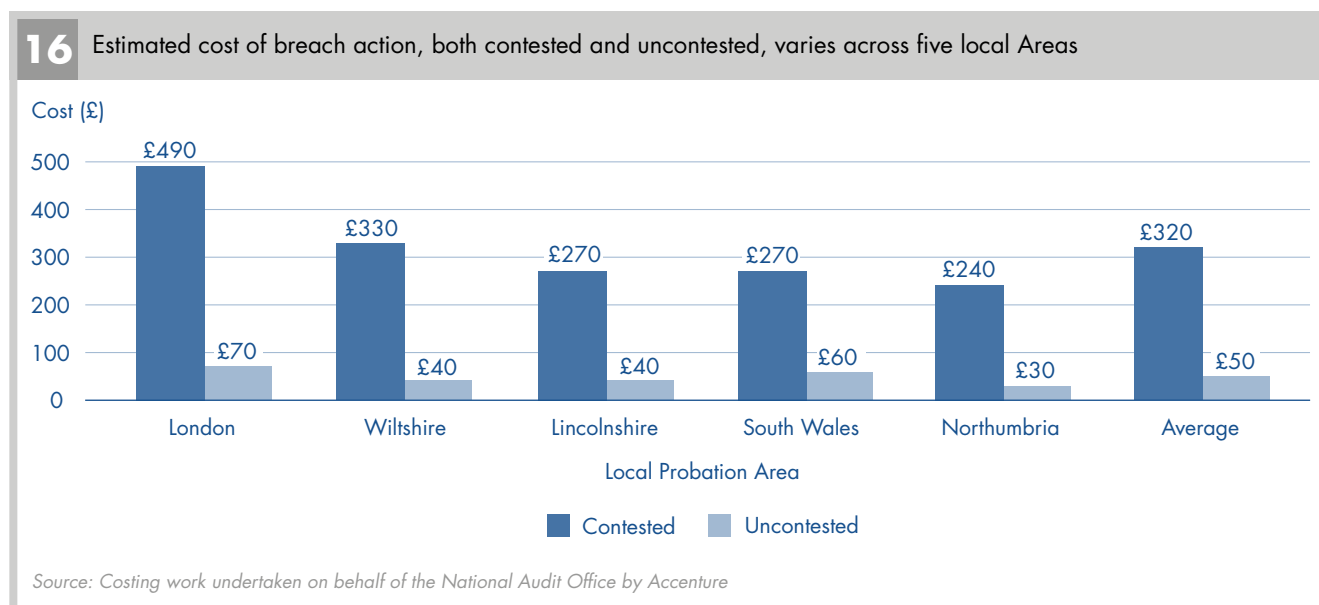
3.14 We commissioned consultants to generate estimates of the Probation staff costs associated with the delivery of community order requirements in the five Areas we visited.³⁵ The aim of the costing exercise was to indicate the approximate magnitude of Probation staff costs associated with different order requirements and breach of an order and to demonstrate the extent of variation between the five Areas we visited, as well as acting as a precursor to further more comprehensive costing work by the Ministry of Justice. These cost estimates do not include Probation overheads or costs incurred by other agencies and have been generated based on Probation activities at five Areas. They should not be taken as an indication of the actual full cost of implementing community order requirements or as an indicator of activity costs across all 42 Areas. Appendix 2 provides a detailed description of our costing methodology.

3.15 Costing work undertaken suggests there is a difference in the cost of breaches across the five Probation Areas we visited, **Figure 16**. These costs are a combination of Probation staff costs and the magistrates' courts' unit cost.

3.16 At £50, the indicative average cost of an uncontested breach is substantially lower than the £320 of a contested breach, due to the additional time taken to prepare evidence and secure witnesses for the latter. Probation staff told us the number of contested breaches is rising given offenders' willingness to challenge Probation decisions and contest breach up to the last minute. No national data is available on the number of contested and uncontested breaches.

3.17 The variation in indicative breach costs between Areas is explained by differences in staff costs, variations in process and differences in court practices. Our costing work identified that the time taken to prepare the necessary breach papers, including witness statements and statements of fact ranged from 40 minutes to 125 minutes. Due to the high incidence of breach proceedings,³⁶ local Areas have each worked to improve breach processes. For example:

- Wiltshire Probation Area introduced an expedited breach process where Probation staff have control over the court booking and issuing of the summons;
- the quality assurance of breach processes in South Wales Probation Area is conducted by experienced administrators rather than senior managers to reduce cost and free up senior time; and
- London Probation Area secured agreements with local courts to reduce the number of court adjournments and has introduced a breach tracker system.



³⁵ Costs are based on process mapping and will not correlate with the top-down approach adopted by NOMS given probation is operating above capacity.

³⁶ During costing workshops Probation Officers suggested they spent 4 to 16 per cent of their time on breach cases and Probation Service Officers 8 to 17 per cent.

Sentencer demand for the twelve community order requirements varies across Probation Areas

3.18 The demand from sentencers varies between (and within) Areas in terms of the number of community orders given, and the type and average number of requirements, see Appendix 3. Although sentencing decisions lie with the courts, local Areas can influence sentencing through court liaison and sentencing proposals. During 2006, the number of orders containing one requirement ranged from 63 per cent in Norfolk, to 36 per cent in Gwent. Five per cent of orders in Gwent contained four or more requirements compared to less than one per cent of orders in West Yorkshire and South Yorkshire.

3.19 Some Areas told us the average number of unpaid work hours to which their offenders are sentenced are higher than in neighbouring Areas which takes up more resources to implement. National data shows that in the six months from April 2007, the average unpaid work hours given nationally by the courts was 118, ranging from 98 hours per order in Surrey Probation Area to 136 in Cheshire (see Appendix 3).³⁷ These differences might be explained by variations in offenders such as the likelihood of re-offending, risk of serious harm posed and offence committed.

Requirements need to be tailored to address the factors underlying offending

3.20 Courts can tailor an order according to the severity of the offence (the primary sentencing consideration), whilst also trying to address underlying causes of offending behaviour, such as drug misuse. Offender Managers are responsible for assessing an offender's eligibility for particular requirements and for proposing appropriate requirements to the court according to the offence seriousness and the offender's risk profile. The Offender Manager may propose to the court a specific requirement to address the offender's risks, but these risks can also be tackled as part of a supervision requirement involving one to one work with the offender or via a Probation referral to a public or voluntary sector provider.

3.21 If offenders are given inappropriate order requirements, this challenges both value for money and public protection. Poorly targeted order requirements could be inappropriate for the level of risk of serious harm presented, and could be less likely to address the root causes of the offending behaviour. Offenders may also be less motivated to comply with their order. The impact of incorrect targeting of requirements for lower risk of serious harm offenders may be more detrimental than for offenders presenting a high risk of serious harm: Research Development Statistics NOMS has commissioned research which showed that for lower risk of serious harm offenders, the wrong interventions can increase rather than reduce the likelihood of re-offending.³⁸

3.22 Probation staff told us an offender may be given an inappropriate order requirement if:

- certain requirements are unavailable locally;
- the Offender Manager lacks a full understanding of all the available requirements; or
- the Offender Manager has not been able to make a full assessment of the offender.

3.23 NOMS also believes that increasing pressure to prepare court assessments in short timescales may contribute to this problem. Finally, the court may depart from the sentence proposed by the Offender Manager.

3.24 Our case review identified 12 instances (four per cent of the sample) where an order requirement was later removed by a court as it was unsuitable for the offender (for example where an offender was unable to complete his unpaid work due to mental health issues). Areas told us the mismatch could be explained by: the emergence of new information during the course of the order; deteriorating behaviour (such as increased alcohol misuse) during the order; or the court giving a different sentence from that proposed by Probation.

³⁷ NOMS Performance Management Unit, April to September 2007.

³⁸ Research Development Statistics NOMS, *Adult Interventions Factsheet*, August 2007.

The level of certain order requirements suggests some could be used more frequently

3.25 The Centre for Justice Studies at King's College London reported that a significant number of offenders have substance misuse or mental health problems and the relevant requirements are used much less frequently than the estimated incidence of offender needs (Figure 17).³⁹

3.26 Inspectors from HM Inspectorate of Probation assess the factors which may contribute to offending behaviour in the cases they sample. We analysed data from 641 cases recently examined by the Inspectorate as part of their Offender Management Inspection programme. These data show a better match between the use of the drug rehabilitation requirement and the incidence of drug misuse, than the use of the alcohol treatment compared to the incidence of alcohol misuse (Figure 18).

3.27 There are a number of reasons why the profile of requirements given by courts will be lower in practice than the incidence of the related offender need.

For instance:

- an offender's need may not be a cause of their offending behaviour and therefore the proposed sentence is unlikely to seek to address it;
- not all offenders' needs require intensive treatment, such as that provided through an alcohol treatment requirement. Lower level treatment, such as one-to-one supervision or a group programme may be more appropriate;
- even if an offender's need drives their offending it may already be being addressed through, for example, an earlier sentence or via treatment from another local provider e.g. the Primary Care Trust; and

17 The use of certain community order requirements does not correspond to the profile of the underlying drivers of offending behaviour

Factor underlying offending	Incidence amongst offenders according to King's College report (%)	Relevant requirement	National use of requirement during 2006 (%)
Alcohol misuse	45	Alcohol treatment	1
Mental health problems	43	Mental health treatment	Less than 1
Drug misuse	23	Drug rehabilitation	6

Source: Figures on incidence cover 2005-06 from sample of OASys scores reported in *Community Sentences Digest*, Centre for Criminal Justice Studies, May 2007. Figures on national use from *Research Development Statistics NOMS, Criminal Justice Act Statistics, 2006*.

NOTE

Offenders classed as having mental health issues are those assessed as having an 'emotional wellbeing' issue that may impact their offending behaviour during 2005-06. The incidence of underlying drivers of offending behaviour is based on OASys scores which are not completed for Tier 1 offenders, or for Tier 2 offenders who are only sentenced to unpaid work.

18 HM Inspectorate of Probation data shows the use of certain community order requirements does not correspond to the profile of drivers of offending behaviour

Factor identified by HM Inspectorate of Probation	Incidence amongst offenders in Inspectorate sample (%)	Associated order requirement	Use of requirement in Inspectorate sample (%)
Poor thinking and attitudes	51	Accredited programme	13
Alcohol misuse	26	Alcohol treatment	2
Drug misuse	17	Drug rehabilitation	10
Mental health disability	6	Mental health treatment	Less than 1

Source: National Audit Office analysis of 641 offender case files reviewed by HM Inspectorate of Probation as part of Offender Management Inspections

NOTE

The Inspectorate uses their probation expertise to assess the progress against identified needs. General offending behaviour accredited programmes aim to address thinking and attitude skills. 192 offenders were given such a programme within the Inspectorate sample and we assumed 43 per cent of these offenders were on a general offending behaviour programme (based on data in the National Probation Service Accredited Programmes report 2005-06).

39 A drug rehabilitation requirement targets all levels of drug misuse and offending whereas the alcohol treatment requirement is targeted at dependent drinkers requiring more intensive clinical treatment.

- the court may give the offender a sentence that diverges from the sentence proposed by the Offender Manager.

3.28 However, the extent of the difference between factors which might be driving offending behaviour and the uptake of the associated requirement, suggests that certain requirements are under-used.

Not all community order requirements are in use in all Probation Areas

3.29 Of the 12 community order requirements from which sentencers should be able to choose, not all were used in all Probation Areas in 2006 (see Appendix 4).⁴⁰ Although sentencers do not take account of probation resources when sentencing offenders, they are unable to sentence offenders to a requirement that is not available locally. Despite evidence that for every £1 spent on alcohol treatment, £5 is saved in costs to health, social and criminal justice services,⁴¹ alcohol treatment is a good example of a requirement that varies greatly in availability (**Figure 19**). A 2006 Inspectorate of Probation review concluded “alcohol treatment was scarce in the areas inspected, although senior managers were aware of the level of need”.⁴² Responsibility for the provision of alcohol treatment primarily rests with Primary Care Trusts under their duty to meet the clinical needs of all the local population, including offenders. However, the Probation Service recognises the role it has to play in promoting the availability of all requirements and increasing the use of requirements such as the alcohol treatment requirement. The alcohol and mental health treatment requirements were new provisions following the 2003 Act and so delivery is still being established in some Areas. The extent of alcohol treatment provision currently available is influenced by the resources available, local Area initiatives and the strength of the local links between Probation and providers such as Primary Care Trusts.

Barriers to the provision of alcohol treatment

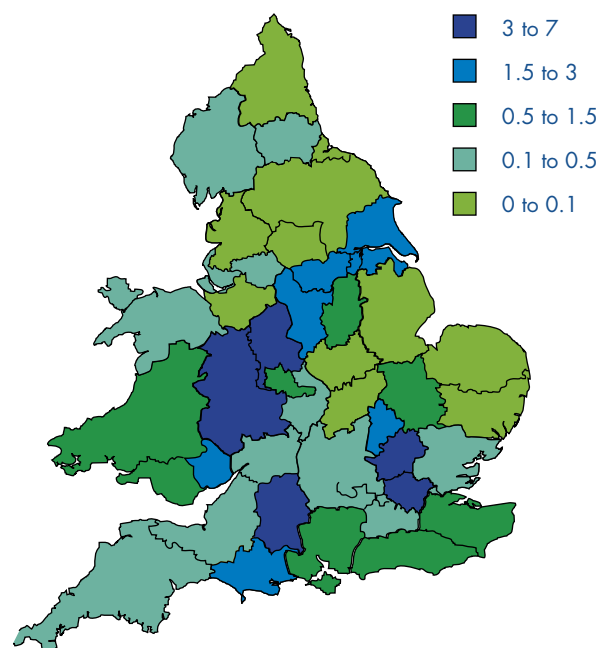
3.30 Although the National Health Service is responsible for providing alcohol and drug rehabilitation to the general population, including offenders, the Ministry of Justice provides additional funding to support those with serious drug problems which may be connected to their offending and for which longer, more intensive treatment is required. Over 2007-08, NOMS has budgeted to contribute £22 million to the Department of Health

for the provision of drug rehabilitation for offenders on community orders, but this is not the case for alcohol treatment. Instead, Probation Areas arrange the provision of alcohol treatment directly with their Primary Care Trust or local voluntary providers. NOMS told us they did not expect local Areas to have to pay Primary Care Trusts for alcohol treatment provision. However, following an open procurement process, Wiltshire Probation Area contracted with its local Primary Care Trust to fund 176 offender assessments and 1,232 alcohol treatment sessions in 2007-08 at a cost of £79,000.

3.31 Not all offenders for whom alcohol is a problem require intensive clinical treatment, and alcohol treatment requirements are only targeted at those with very serious alcohol problems. Lower levels of alcohol misuse can be addressed by Offender Managers during one-to-one supervision meetings with the offender, through referrals to third party organisations, or accredited group programmes covering substance related offending. These interventions

19 The use of the alcohol order requirement varies greatly across local Areas

Alcohol treatment requirements as a percentage of all requirements given in Area



Source: Alcohol order requirements as a percentage of all order requirements given by courts (203,323 across 42 Areas) in 2006. National Audit Office analysis of Research Development Statistics NOMS data

⁴⁰ The requirements not used in some Areas in 2006 are: Residence, Alcohol treatment, Attendance centre, Specified activity, Prohibited activity and Exclusion. Source: Research Development Statistics NOMS Criminal Justice Act Statistics 2006.

⁴¹ UKATT Research Team, *Cost effectiveness of treatment for alcohol problems: findings of the randomised UK alcohol treatment trial*, 2005. Research covered social behavioural and network therapy and motivational enhancement therapy.

⁴² HM Inspectorate of Probation, *Half Full and Half Empty: An inspection of the National Probation Service's substance misuse work with offenders*, June 2006.

are available in all 42 local Areas. A Low Intensity Alcohol module for delivery by Offender Managers is currently being piloted. However, some Probation staff said they felt inadequately trained to provide one-to-one counselling. The National Probation Service Alcohol strategy aims to ensure Offender Managers are trained to deliver brief alcohol interventions during supervision and a training package is under development.

Barriers to provision of mental health treatment

3.32 A mental health requirement, given with the offender's consent, requires the individual to attend a number of treatment sessions with a designated treatment provider, who will be identified in the court order. Only 17 of the 302 cases we reviewed (six per cent) included a mental health treatment requirement. In all instances, the offender was already in receipt of treatment before the order began, and the treatment was incorporated into the order. We found no instances in our sample where mental health treatment was initiated as part of the community order.

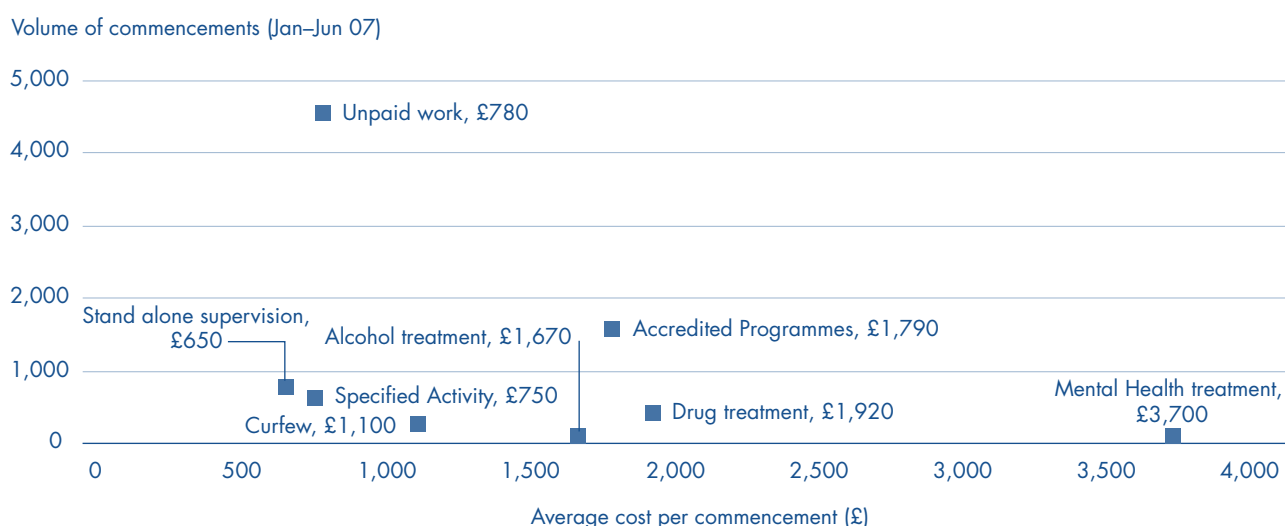
3.33 Without the assistance of National Health Service staff, a full mental health requirement, provided by a medical practitioner, cannot be delivered. In these instances, Probation staff themselves will seek to meet the needs of the offender through supervision sessions, although some told us they felt ill-equipped to do so. It is

very costly for Probation Areas to supervise offenders with mental health issues. Offender Managers will continue to seek specialist treatment for offenders with mental health issues, whilst at the same time providing intensive supervision to the offender, both of which contribute to the high cost. Costing work undertaken by our consultants indicates that work with offenders with mental health issues costs an average of £3,700 in Probation staff costs across the five Areas we visited, compared to about £650 for stand-alone supervision.

Less commonly used order requirements are more costly to provide

3.34 Costing work undertaken by our consultants (see paragraph 3.14) identified that overall, unpaid work, stand-alone supervision and the specified activity order requirements generated the lowest cost estimates (Figure 20 and Appendix 7). Offenders given any of these three requirements usually present a lower risk of serious harm with fewer behavioural issues. Offenders with longer sentences and more complex offending behaviours are more costly to manage. For example, mental health treatment is estimated to cost on average £3,700 in Probation staff costs per offender commencement, and alcohol treatment £1,670; neither requirement is commonly provided. Commonly used order requirements such as unpaid work and supervision are estimated to cost about £780 and £650 in Probation staff costs respectively.

20 The more expensive community order requirements are less commonly used



Source: Accenture costing work conducted as part of study on behalf of the National Audit Office

NOTE

Costs based on a cost per requirement derived through discussion with local Area middle management divided by the number of offenders commencing the associated order requirement. The costs reflect the average cost in the five Areas we visited. It was not possible to generate costs for the lesser used community order requirements.

Offender Managers can change

3.35 A cornerstone of the Offender Management Model, introduced in 2006, is that one Offender Manager should be responsible for the supervision of the offender throughout the order. Due to the realities of probation, such as offenders moving between Areas, or changes in the assessed risk of harm presented by an offender, it can be difficult to ensure each order has a single Offender Manager throughout. We found 97 instances (32 per cent of cases) in our file review where the Offender Manager changed during the course of the order, with significant variations across Areas visited, see Appendix 6. Of cases reviewed by the Inspectorate of Probation during eleven Area inspections,⁴³ 66 per cent had more than one Offender Manager during their order, and Inspectors considered the number of Offender Managers detrimental in 17 per cent of cases. NOMS has recently carried out a strategic review of offender management which is designed to address this and other challenges.

There are inconsistencies between Areas in the approach to the 'tiering' of offenders

3.36 The Probation Service seeks to focus its resources on the more complex cases, for example those where the offender poses a high risk of serious harm or high likelihood of re-offending. A four tier structure aids the practical implementation of this principle, with offenders being allocated to a tier based on sentence complexity and the risks they pose. Tier 4 offenders attract the greatest resources (see figure 25). An incorrect tier allocation will have a knock-on effect on costs, and possibly on public protection too. The NOMS unit costing exercise found an average Tier 1 offender had a unit cost of £926 compared to £3,881 for a Tier 4 offender.⁴⁴

3.37 Allocating offenders within the tier structure should be a matter of professional judgement, based on an offender's assessed risk of serious harm and the complexity of their sentence, although Offender Managers told us a number of other factors can influence tiering decisions. If an Offender Manager:

- wants to access services which are only available to Tier 3 or 4 offenders, such as supported accommodation, they may classify the offender in a higher tier despite evidence indicating a lower risk of serious harm;

- wants to avoid criticism if the offender commits a serious further offence, they may classify an offender in an inappropriately high tier;
- is under pressure to save Area resources they may assign an offender to a lower tier. In most Areas Tier 1 and 2 offenders are managed by Probation Service Officers.

3.38 Tier profiles vary significantly across Areas and differ from an indicative profile generated by NOMS based only on OASys scores (Figure 21). Fifty one per cent of Northumbria's offenders are assessed as Tier 3 compared to 34 per cent in Wiltshire. Although regional differences are to be expected (as the assessed risk of serious harm and likelihood of re-offending presented by offenders in urban areas tend to be higher than in rural areas) the large differences suggest tiering decisions are not standardised. This is supported by Inspectorate of Probation findings where 17 per cent of cases were judged by Inspectors to have been allocated to an incorrect tier.⁴⁵

Waiting lists exist for some order requirements

3.39 Recent research has shown accredited programmes are effective at reducing reconvictions (see paragraph 2.12). However, there are long waiting lists to commence programmes. There is no national data on accredited programme waiting lists but during 2006-07 only 41 per cent of courses were started within the prescribed National Standard of six weeks.⁴⁶ Our case file review showed 33 out of 38 offenders did not start their general offending behaviour programme within six weeks, and the waiting time for offenders to commence a programme ranged from 3 to 70 weeks (with an average of 23 weeks). Reasons for this could include lack of Probation capacity or because Offender Managers are tailoring the sequence of requirements according to individual offenders' needs as required by national policy.

3.40 Areas felt particularly ill-prepared for the Community Domestic Violence Programme introduced in 2005-06. The programme was promoted by Police, the Crown Prosecution Service and Domestic Violence courts with the result that a significant number of offenders were sentenced to this programme. However, many facilitators had not completed the nationally prescribed training before the programme was introduced⁴⁷ and Areas received no additional resources to cover the significantly

⁴³ National Audit Office analysis of eleven HM Inspectorate of Probation published Offender Management Inspection Reports. Inspectors assessed whether the number of Offender Managers had a detrimental effect on the offender sustaining progress.

⁴⁴ Based on National Probation Service unit costing using 2006-07 budget figures.

⁴⁵ 109 of 641 cases reviewed by the Inspectorate. The data do not show whether the offender should have been allocated to a higher or lower tier.

⁴⁶ National Probation Service, *N-Smart data*, 2006-07.

⁴⁷ It may take a Probation Officer six months to obtain a place on an accredited programme facilitation course, with training taking around two weeks.

increased demand. In London, as at mid-September 2007, 35 offenders had completed their pre-course work and were on a waiting list to start the Community Domestic Violence Programme. An additional 270 offenders were at various stages of preparation for the programme.

3.41 In addition to proposing order requirements before sentencing, Probation staff may refer offenders to interventions throughout their sentence. Unsuitable offender referrals add unnecessarily to waiting lists, and lead to high drop-out rates. If group programme numbers fall too low as a result of drop-outs, the course may be cancelled and the remaining offenders will have to re-start the programme and repeat completed sessions. One Probation Area we visited⁴⁸ automatically referred offenders for an education assessment if they were unemployed and had an OASys⁴⁹ score above a certain level, without taking into account other characteristics, such as learning difficulties or the offender's motivation for learning. The waiting list in that Area reached such lengths that courts were no longer able to incorporate education, training and employment sessions into sentences. Following a specific effort by the Probation Area, the waiting lists have now been reduced to a manageable length.

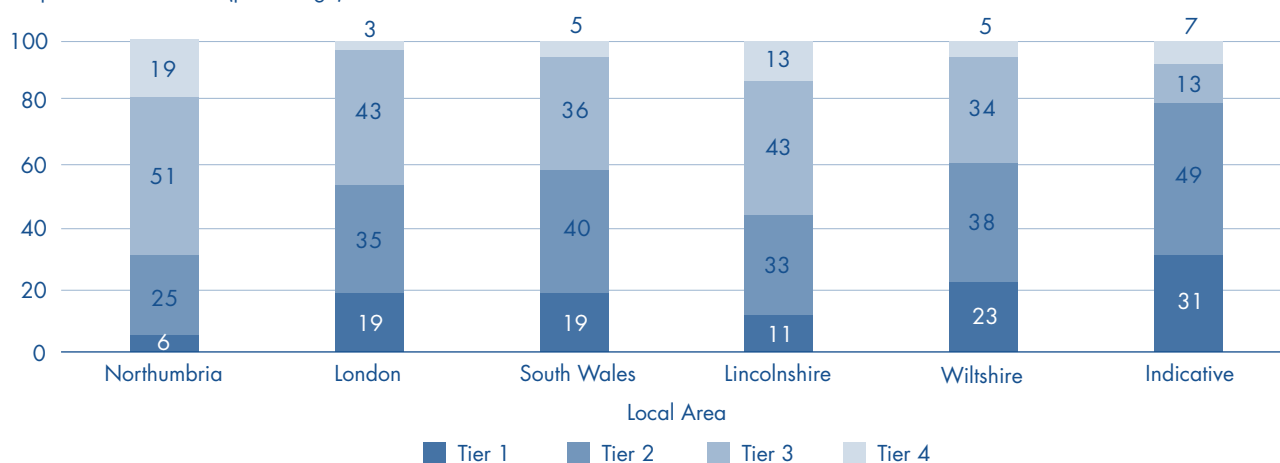
3.42 Failure to start programmes promptly can impact negatively on offenders' motivation and increase the possibility that requirements will not be completed before expiration of the order (see paragraphs 3.4-3.6). Certain types of offender, such as women, are more likely to have to wait.

3.43 An offender's motivation to complete their sentence can be reduced further if they are turned away by Probation when attending to complete an element of the order; on 4.6 per cent of occasions offenders were turned away from unpaid work placements in the first half of 2007⁵⁰ as a result of staff and transport shortages.

3.44 Two of the Areas we visited, London and Wiltshire, are attempting to address waiting lists. Wiltshire's accredited programme tutors have developed a short course covering subjects such as substance misuse, general offending behaviour and victims. Offenders can be placed on these short programmes as part of supervision or whilst they wait for an accredited programme to start. London Probation Area is using a domestic violence module which Offender Managers can employ during one-to-one meetings with offenders.

21 The number of Tier 3 offenders supervised by five local Areas at June 2007 varies

Proportion of caseload (percentage)



Sources: Indicative profile: NOMS Report to Probation Area Offender Manager Leads: Tier Profiles, 2007. Indicative profile based on a NOMS analysis of OASys only (standard assessment tool allowing individual offender scores to be calculated considering risk of serious harm and underlying offending behaviour and characteristics) which does not consider sentencing decisions. Actual Area profiles: Activity returns covering January-June 2007 made to National Audit Office as part of costing work.

48 Northumbria Probation Area.

49 OASys allows, on an individual offender basis, a standardised assessment of factors linked to offending behaviour, likelihood of re-offending and risk of serious harm.

50 4.6 per cent represents 30,000 unpaid work sessions. NOMS, *Integrated Probation Performance Framework*, 2007-08 Quarter 2.

PART FOUR

Better information, especially on costs, is necessary to improve further effective delivery

Work is needed to define the potential capacity of the Service within existing resources

4.1 An understanding of an Area's capacity for delivering community orders is necessary to inform Service Level Agreement discussions between Regional Offender Managers and local Areas. But none of the five local Areas we visited was able to state its potential capacity for handling community orders.⁵¹ They told us they manage changes in case volumes by varying officer caseloads. Because Probation Areas receive a fixed level of funding to deliver probation services, their priority until now has been to control costs rather than measure the interplay between costs and capacity. As a result, there is no established system or culture of, for example, completing timesheets, which would be required for a robust and comparable unit costing of probation services.

4.2 A recent intensive review commissioned in 2006 by NOMS⁵² identified some data to suggest that Probation Areas lacked sufficient capacity to undertake offender management, though it assumed a pattern of staff deployment which does not reflect the current reality, and, as such, identified that further investigation of the data was needed.

4.3 The commitment of Probation staff to their challenging and important jobs was clear in all the local Probation Areas we visited, but high caseloads impact negatively on the motivation of Probation staff and may undermine the quality of offender supervision. Through our visits to local Areas we found high numbers of offenders under supervision, active staff vacancies (5.3 per cent of 390 active posts at 31 December 2006) and posts being removed to achieve cost savings were all contributing to high Offender Manager caseloads.⁵³ The number of cases managed by an Offender Manager varies between local Probation Areas (see Figure 22).

22 Indicative number of offenders supervised by Offender Managers varies across local Areas

Local Probation Area	Overall caseload per Offender Manager	
	Less complex cases	More complex cases
Northumbria	73	31
South Wales	51	26
London	46	36
Lincolnshire	27	36
Wiltshire	25	41

Source: Total Area caseload as at end of March 2007 divided by the number of Offender Managers (Probation Officers and Probation Service Officers) taken from local Area returns made to National Audit Office for costing work

NOTE

Overall caseload includes offenders on community orders, licence and suspended sentence orders. Analysis assumes Probation Officers manage the complex Tier 3 and 4 offenders, and Probation Service Officers the less complex, although in practice the roles and responsibilities of different grade officers vary across Areas.

⁵¹ Although the Workforce Measurement Tool generated estimates of the time taken by Offender Managers to undertake particular tasks (such as casework by offender tier and court reports) it did not consider the time delivery requirements.

⁵² NOMS, *Comprehensive Spending Review 2007 Intensive Review of Probation*, May 2006.

⁵³ No national or local data is available on the number of posts removed by local Areas.

The Service needs more information on the costs of managing offenders on community orders

4.4 Without knowing the costs of delivering different types of community order it is not possible to: inform commissioning discussions (see Appendix 8); identify the most cost-effective interventions; and identify areas of efficiency to address the financial pressures expected over the next few years, such as Areas being in a 'flat cash' budgetary position and subject to increased salary costs.⁵⁴ A three-year unit cost study by the Research Development Statistics NOMS yet to be commenced will identify the average cost for some interventions and compare their cost effectiveness.

4.5 As part of a Probation Change Programme, NOMS has begun an exercise to identify Probation unit costs. The approach does not distinguish between community orders or licences, and derives full unit costs by dividing the relevant slice of an Area's budget (e.g. spend on offender management, programmes or approved premises) by, for example, the number of programme completions or offenders managed. Although expected to be robust, these costs are unlikely to be sufficient for informing commissioning because Areas do not yet have accurate enough systems to attach costs to different services and because the costs derived reflect actual costs, rather than the cost of efficient delivery which would be the best benchmark for commissioning.

4.6 Our consultant's work has been performed on a different basis and provides costs at a more detailed level (individual community order requirements) than the ongoing NOMS work (see paragraph 3.14). As noted, these cost estimates do not include Probation overheads or costs incurred by other agencies and have been generated based on Probation activities at five Areas. They should not be taken as an indication of the actual full cost of implementing community order requirements or as an indicator of activity costs across all 42 Areas. Appendix 2 provides a detailed description of our costing methodology.

4.7 Our consultant's costing work generated an average indicative Probation staff cost of £780 for managing an unpaid work requirement, compared to £1,790 for a Drink Impaired Driving accredited programme.⁵⁵ It also showed a significant variation in indicative staff costs for managing drug order requirements across local Areas, from £1,000 in Wiltshire to £2,900 in South Wales (**Figure 23 overleaf**). These cost differences are driven by differences in the estimates managers made of the staff time spent managing different order requirements. They are also driven by the factors outlined below, such as differences in length of supervision sessions, and the extent of travel involved.

4.8 There are several possible explanations for the variations in estimated staff costs across different requirements:

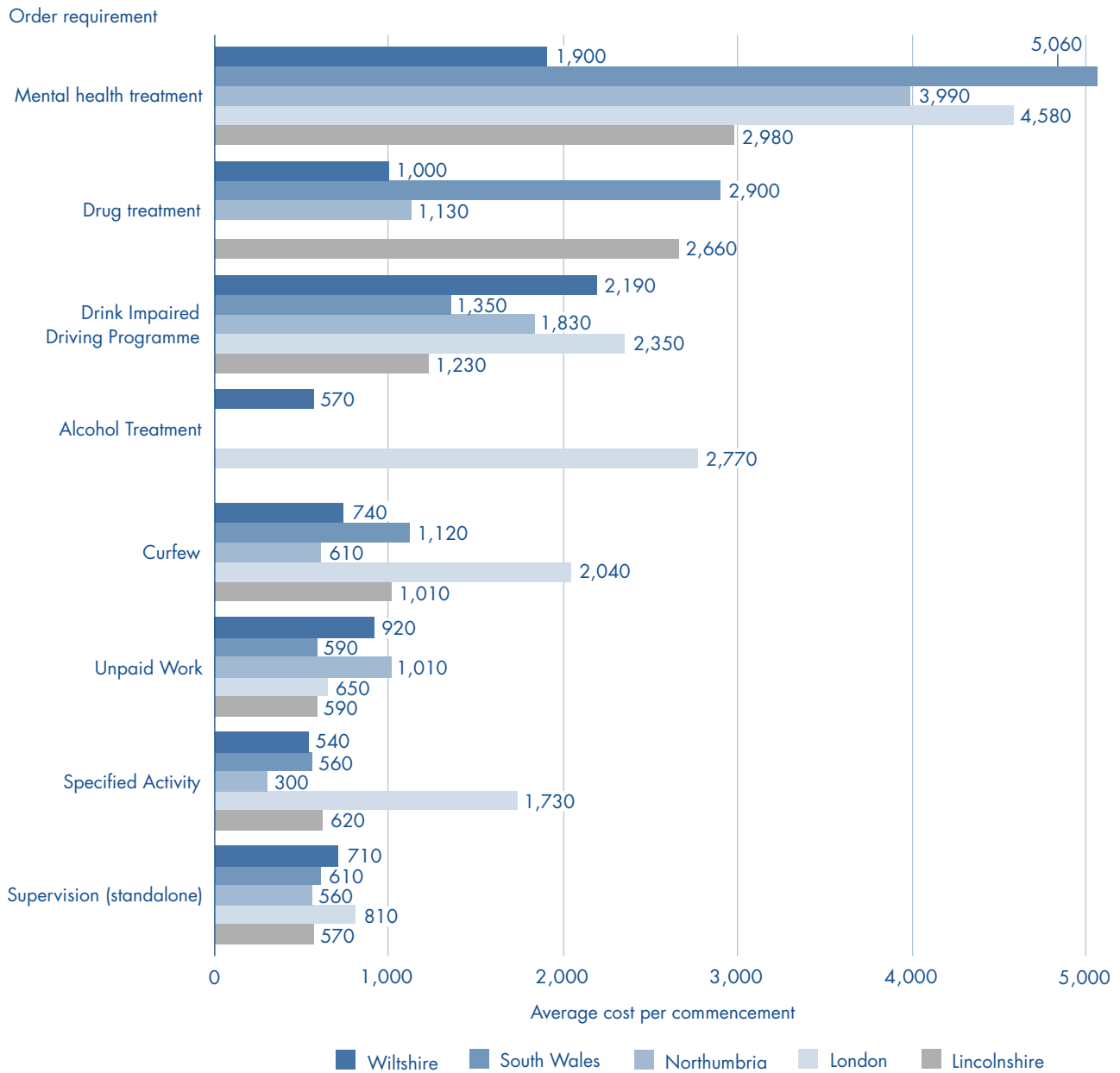
- **Differences in Offender Manager salaries and Offender Manager caseloads.** London has a high cost per staff member and comparatively low average levels of orders starting, making the Area appear expensive;
- **Differences in practice in terms of the grade of staff managing offenders.** In some Areas Probation Service Officers can manage Tier 3 offenders, but in others not;⁵⁶
- **Differences in operational practices** across the local Areas (such as short form reporting after completion in Northumbria or a swifter offender induction process in London);
- **Differences in the type and duration of activities** undertaken during supervision. Interviews with practitioners and our case file review suggested that supervision meetings can range in length from 5 to 60 minutes and the content of those meetings varies between Area and Offender Managers. Offenders at different stages of their community order require different intensity of supervision.

⁵⁴ Arising from the 2006 Job Evaluation exercise.

⁵⁵ During 2006-07 a six-month prison term cost an average £13,369, *Prison Service Annual Report 2006-07*. Cost is not comparable to the above community order costing as the two approaches used different bases.

⁵⁶ On average across the Areas we visited (excluding London) the annual salary of a Probation Service Officer is £8,166 lower than a Probation Officer. A Probation Service Officer does not have a Diploma in Probation Studies which involves an undergraduate degree and NVQ in Community Justice that Probation Officers do.

23 There are local Area variations in the cost of delivering selected order requirements



Source: Accenture costing report

NOTE

Costs based on a cost per requirement derived through discussion with local Area middle management divided by the number of offenders commencing associated order requirement. They reflect the average cost in each of the Areas visited. It was not possible to generate costs for the lesser used community order requirements. Curfew estimated costs do not include the contracted cost of tagging an offender which is centrally funded.

4.9 As well as differences in budget and the number of offenders managed, Areas differ in organisational structure. The ideal Probation Area size and structure from a value for money perspective is unclear. Identifying the most efficient structure and size is especially important in the move towards commissioning, for which smaller areas may be unsuitable. The ratio of Probation Service Officers to Probation Officers differs across local Areas, for example the ratio in Lincolnshire is almost twice that in Wiltshire.⁵⁷ Local Areas told us these variations could be explained by local differences in the roles undertaken by different staff grades.

Information exchange about offender details could be improved

4.10 Local Probation Areas use at least four different systems to record offenders' details:

- The **Offender Assessment System** (OASys) allows, on an individual offender basis, a standardised assessment of the factors linked with offending behaviour (such as drug misuse), likelihood of reconviction, and risk of serious harm.
- A **case management system** which records Probation contact with the offender, liaison with third parties and sentence progress. At least eight⁵⁸ case management systems are in operation across England and Wales.
- **Interim Accredited Programme Software** (IAPS) records specific information on accredited programmes.
- A **hard copy file** contains correspondence from third parties, copies of court orders and other information such as certified sick notes.
- Some Areas have developed **additional databases**. For example, London Probation Area has developed software to track those who have breached their orders.

4.11 This range of databases means no single record exists of an offender's circumstances, sentence, risk of serious harm and likelihood of re-offending which means that it is difficult for other Probation Officers or partner agencies to access information quickly. There are limited interfaces between systems leading to a duplication of effort and a higher risk of errors when data are entered more than once.⁵⁹

4.12 Administrative staff using OASys and case management systems to generate performance data said that the systems were poorly designed for data extraction, and increased the time taken to complete monthly data returns. Discrepancies exist between the data held locally and centrally. Our case file review identified 13 differences between the data provided to us by NOMS and the local databases we reviewed during our visits, such as incorrect dates of birth and order requirements being shown as complete when they were still ongoing.

4.13 Important offender information is not recorded in a consistent fashion across the Service or within the same Area.⁶⁰ Offender Managers told us that frequently the offender's attitude, work performed and qualifications gained during unpaid work sessions are not recorded on the case management system. Our case file review found that drug test results were not recorded for 29 per cent of test results, although this may not be nationally representative.⁶¹

4.14 Although OASys can be accessed across the whole Probation Service, the case management systems stand alone and cannot be accessed by other Areas or the centre. This creates inefficiencies when an offender moves, as data has to be manually transferred. Our analysis of Inspectorate data suggests around 7 per cent of cases are transferred between Areas during the period of the order.⁶²

4.15 The C-NOMIS project was intended to replace local Area case management systems, and a further project, O-NOMIS, was intended to link probation with prison information. C-NOMIS is now under review following concerns about scope and affordability.

57 Lincolnshire has 47 Probation Officers and 79 Probation Service Officers, compared to Wiltshire which has 48 Probation Officers and 42 Probation Service Officers. In Lincolnshire the Probation Service Officer role includes a wide range of jobs, a number of which may not be related to Offender Management.

58 Systems include: CRAMS, Delius, IAPS (modified), ICMS and specific local Area systems (e.g. in Avon and Somerset).

59 A pilot, run by NOMS across a number of local Areas, testing interfaces between the case management system and programmes database is currently underway.

60 NOMS, *OASys post-implementation review*, June 2007.

61 362 drug tests of 1,249 test results, see Appendix 6.

62 National Audit Office review of ten published Inspectorate reports covering 1,000 case files found that 74 cases had transferred Areas.

Demand is determined by the courts but funding comes from NOMS

4.16 The level of demand for community orders is determined by the courts via sentences handed down to offenders. Before sentencing, courts can request a probation report which is informed by an assessment of factors underlying offending and the risk of serious harm offenders pose. The report informs sentencing judgement but sentencers retain discretion to sentence offenders as they see fit. When passing sentence, sentencers will consider, alongside the current offence, any previous offences, the offender's motivation to change and the likely impact of any intervention. Provision of resources to meet the level of demand, in terms of sentences given, rests with NOMS which allocates funding to Areas through the funding formula (see paragraph 4.18). NOMS also agrees Service Level Agreements with local Probation Areas to set out the level of service to be provided.

4.17 We found several instances where the demand from courts and the demand as articulated in Service Level Agreements differed widely. For example, courts in South London alone sentenced 488 offenders to domestic violence accredited programmes in 2006, but the Service Level Agreement target was for only 300 placements across the whole of London.

The funding formula is imperfectly aligned with court demands and local context

4.18 The funding formula which is used to allocate resources across individual Areas takes into account factors such as historical demand for probation services, population size and local staffing factors such as labour costs. Nonetheless, Areas told us the funding formula does not accurately reflect the courts' demand for probation services in terms of the number and type of sentences given.

4.19 We reviewed the funding formula for 2007-08 and found that the average annual number of orders managed by Areas during 2003-05 was used as an approximation for demand for community orders in 2007-08. However, a different type of community penalty was in place in 2003-05 which did not offer sentencers the opportunity to combine a number of requirements into a single order. The average number and type of order requirements and the length of orders varies greatly by Area (see paragraph 3.18) and each variable affects the costs of delivery. This results in substantial differences in the delivery cost of each order requirement (see paragraph 4.7 and Figure 23). However, the funding formula does not take account of these factors. Nor does it account for the degree of risk of serious harm presented by the offender: higher risk offenders require more intensive supervision and are therefore more expensive to manage (see paragraph 3.34). Probation Areas told us this mismatch was problematic. Any changes to the funding formula need to avoid creating perverse incentives. For example varying Area funding by offender risk profile may encourage Areas to classify offenders at too high a risk level.

4.20 The element of the formula which aims to capture language diversity is based on the proportion of the population that, according to the 2001 census, is non-white. This means the funding formula does not take into account UK demographic changes in ethnicity since 2001 and the recent arrival of a significant number of white non-English speakers to the UK (over half a million from recent European accession states).⁶³ Probation Areas told us they were struggling to meet the interpreter costs for white non-English speakers serving community orders as no additional resources had been made available. The budgeted cost for interpreters in Lincolnshire Probation Area for 2007-08 is £78,000 (1 per cent of budget). Lincolnshire's interpreter costs have steadily increased to current levels, from £42,000 in 2005-06 and £60,000 in 2006-07.

4.21 In 2007, a project steering group, including staff from local Areas, was set up to consider potential changes to the current funding formula. The initial consultation, which includes workshops and working groups, will be supplemented by a further consultation exercise once firm proposals have been developed. Proposals being considered include factoring in offender risk of harm and basing resources on the weighted average of the number of offenders managed in previous years.

⁶³ Bank of England Research Paper, *The impact of the recent migration from Eastern Europe on the UK Economy, 2007*.

Some performance targets need improvement

Key target on re-offending measures reconviction

4.22 The key high-level target of relevance to community orders is to ‘ensure no deterioration in adult re-offending from the 2005-06 level during the Spending Review 2004 period’.⁶⁴ To date, the Ministry of Justice believes this target is on course to be met.⁶⁵ Within the Home Office strategic plan 2004-08, there was a further long term goal to reduce re-offending by 10 per cent by the end of the decade. Although framed as targets on re-offending, these measures use re-conviction rates as a proxy measure for re-offending because the latter is hard to measure accurately. NOMS recognises that the terms reconviction and re-offending should not be presented as synonymous; not all offenders who re-offend will be cautioned or convicted and therefore reconviction rates will in practice be lower than re-offending rates. The new Probation Area reconviction measure will use the term ‘proven re-offending’ rather than ‘re-offending’.

Targets and measures lack a sufficient focus on outcomes

4.23 Since 2007-08, Area performance has been reported under both the Integrated Probation Performance Framework managed by NOMS and Service Level Agreements agreed with Regional Offender Managers. The Integrated Probation Performance Framework incorporates the Service Level Agreement targets and an additional series of performance metrics. NOMS intends it to provide a more robust comparison of Areas’ performance to assist commissioners in contract negotiations and allow providers to identify areas for improvement. Areas told us the status and purpose of these additional indicators and how the two performance structures interrelate was unclear.

4.24 Service Level Agreements set for Probation Areas tend to be framed in terms of targets for a certain number of offender starts or completions of particular sentence requirements. For example, South Wales has a target to deliver 1,318 unpaid work completions in 2007-08. Further data collected by NOMS focuses on measures such as the timely completion of offender assessments and the number of meetings with an offender, rather than the quality of those reports or engagement with offenders.⁶⁶

4.25 This focus on inputs, processes and outputs is important but cannot, on its own, guarantee the achievement of the desired high-level strategic outcomes on re-offending, public protection and punishment. Eighteen per cent of the Integrated Probation Performance Framework targets focus on completions of individual requirements and 20 per cent on timeliness, whereas only 11 per cent measure quality and these tend to focus on the quality of risk of serious harm assessments (see Appendix 5). There are no targets assessing the quality of engagement with offenders. With too few corresponding quality measures, and a lack of focus on offender management which is an increasingly important concept within probation, there is a risk that service quality could be compromised to meet targets. NOMS recognises the need to move to more outcome-focused measures but wants change to be gradual in order to ensure performance can still be compared over time and to avoid burdening the business with too much change over a short period.

4.26 Probation Areas told us they would welcome the introduction of local outcome indicators such as local reconviction rates or completion of sentences given by the courts. They believe these would better enable them to demonstrate their effectiveness to sentencers and the wider community. A recent initiative to report three-month reconviction data in local Areas on a quarterly basis should go a significant way to address this (see paragraph 2.2).

4.27 Many Areas retain Court Liaison Committees even though they are no longer compulsory, and sentencers consider the committees helpful. But sentencers routinely hear only about the unsuccessful outcomes of an order when an offender is returned to court for breach or a further offence. Local Areas do not consistently provide information on the number of orders completed or outcomes in terms of reconviction rates or offender employment.

⁶⁴ Previously a Public Service Level Agreement target, this performance target has now been renamed the NOMS standard.

⁶⁵ Home Office, *Departmental Annual Report 2006*, May 2007. On course if re-offending for 2006 quarter 4 is 5 per cent below predicted rate. This data will be available in 2010.

⁶⁶ Termed N-Smart, NOMS collects monthly data from Areas on their performance against national operating standards, outlined in Appendix 1. Areas self-assess a sample of 20 per cent of their caseload each month.

Targets can have the potential for unintended consequences

4.28 Well framed targets can deliver benefits through improved Probation performance. The Probation Areas we visited told us that some of the current targets can have unintended consequences. Possible incidences suggested by Areas were:

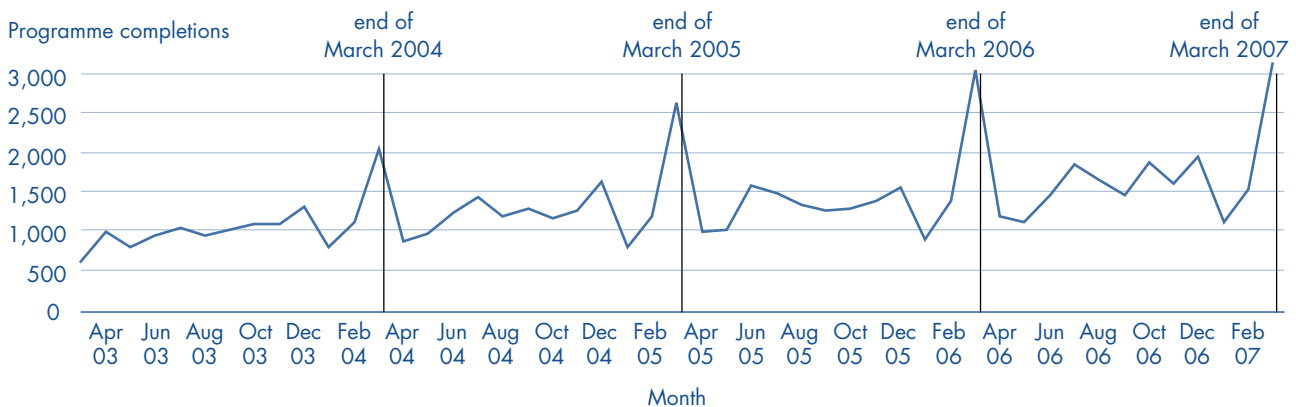
- Once the completions target for a particular requirement is achieved, it provides little incentive for Probation staff to ensure offenders complete the course or encourage courts' further use of the requirement despite its possible value in addressing underlying offending.
- The focus on achieving programme completions may also discourage Offender Managers from classifying an offender's absence as unacceptable and instigating breach action as the offender would therefore not complete the programme.
- Staff also told us that targets discouraged them from offering offenders further supervision appointments once breach action had been initiated: offenders are less likely to attend appointments once breach proceedings have started, and their failure to attend would then be detrimental to the Area's performance against its offender attendance target.

- Programme completions peak in the month just before year end (see Figure 24). Possible explanations suggested by Areas were:
 - A reluctance to breach offenders close to the programme end;
 - Shorter programmes may be proposed to ensure they are completed by the end of the performance period;
 - Staff are encouraged to complete post programme work before the year end;
 - Workload displacement from the Christmas break; or
 - Offenders completing year-long programmes which are timed to finish in line with the financial year end.

Framing targets to avoid unintended consequences is complex and NOMS also noted the inherent difficulties Areas faced in planning to meet uncertain levels of demand.

4.29 NOMS is aware of the need to introduce performance indicators which support strategic aims and help drive the achievement of outcomes in work with offenders. They are addressing this in 2008-09 performance metrics.

24 The monthly number of completed accredited programmes peaks just before the end of the reporting period



Source: National Audit Office Analysis of Probation Service performance reports

Areas would like data requirements from the centre to be streamlined

4.30 NOMS requires local Areas to provide information to the centre in order to help it assess local Area performance. Areas, especially the smaller ones, told us the provision of monthly and quarterly data returns to NOMS is burdensome, and the information they receive in return is limited and often late. The performance report covering April to June 2007 was not published until September 2007. Areas said the information provided by the centre lacks benchmarking data, and, although a large number of statistics are provided, the analysis is limited, with little commentary on Area implications. NOMS recognises the need to share information more quickly and intends to increase the level of analysis in performance reports.

4.31 Several Areas told us they re-compile data themselves in order to get a meaningful level of information on a timely basis. Since the National Performance Management Unit and Regional Offender Manager Teams also perform their own analysis of performance data, this represents a significant duplication of effort. Whilst we recognise that different users have different data needs, jointly agreed analyses which are better adapted to the shared needs of the various users should help reduce duplication.

4.32 Methods of data collection for the Integrated Probation Performance Framework, for example how to record the number of Offender Manager changes were still undefined in August 2007. Areas we visited also seemed unaware of the guidance issued by the centre on how to record the number of offenders living in settled and suitable accommodation at the end of their order. This lack of detail is confusing for local Areas and may lead to data prepared on different bases being submitted.

Earlier notice of budgets would help improve planning

4.33 Areas were notified of their indicative budgets in November 2006 before the start of 2007-08 period; final budgets were not notified until after the start of the financial year (1 April 2007). The five Areas we visited were notified of their final budget on 13 April 2007. NOMS told us the delay in budget notification was a result of delays in receiving the NOMS budget from the Home Office.

4.34 Probation Areas told us that if annual budget information was provided five to six months in advance it would help them plan more effectively and enable them to invest or disinvest in certain activities. Longer budget periods of say three years would also support medium and long term financial planning by enabling Areas to smooth their spending over a more realistic time period and plan for the future.⁶⁷ Usually, a budget exchange scheme allows Areas to transfer funds between years.

The majority of guidance from the centre is issued with sufficient notice

4.35 NOMS issues probation circulars to Areas, providing operational guidance, best practice and other information. The probation circulars containing operational guidance are intended to be issued at least 14 days before their implementation date. However, this timescale is sometimes not met. We reviewed all probation circulars issued from April 2006 to October 2007 and found that of the 76 issued, nine containing express instructions about new procedures became effective within three days of their issue date. Areas have little or no time to plan ahead to absorb these changes but are nonetheless expected to implement the guidance from the effective date. NOMS said the most common reasons for short notice in issuing circulars are to communicate an urgent ministerial decision or to support another operational partner. From May 2007, a Resource Impact Assessment has been in place for each new probation circular setting out the resource implications of the new guidance in order to inform the approval process.

⁶⁷ An internal audit report, *National Probation Service Financial Management and Control* (January 2007) rated probation financial management systems as amber/red on the basis of: annual rather than longer budgetary periods; Areas basing their forecasts on budget rather than expected expenditure; and figures provided centrally not always being locally reconciled.

APPENDIX ONE

The Offender Management Model and community order process

Introduction of the Offender Management Model

1 The Offender Management Model launched by the Home Office in May 2006 constituted a major change in how offenders are managed and has driven forward operational changes in both prison and probation. The model is a key strategic aim for NOMS. It requires a single Offender Manager based in the community to be responsible for an offender throughout their sentence, whether the sentence is served in custody or the community. The Offender Manager has responsibility for assessing an offender's risk of harm and the factors underlying their offending behaviour, planning the sentence, supervising the offender and ensuring the sentence is carried out.

2 The Offender Management Model requires 'resources to follow risk', with those presenting the highest risk of serious harm and re-offending being managed most intensively. To apply this principle, NOMS has developed a four tier structure, see **Figure 25**. Offenders are allocated to a particular tier (with Tier 4 attracting the most resources) to reflect their assessed risk of serious harm, the likelihood of re-offending, the complexity of the offender's needs and the sentence imposed by the court. Although the tier system is complex and relatively new, it has quickly become embedded within Probation activities.

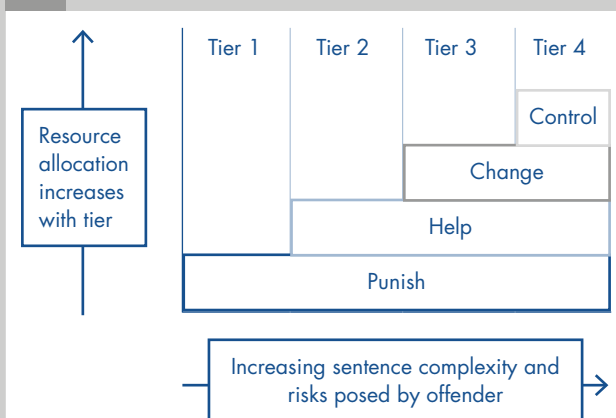
Managing an offender throughout a community order

3 A series of National Standards set out how an offender should be managed during their sentence, for example, when risk of harm assessments should be completed and the regularity of Probation contact with an offender. **Figure 28 on pages 40 to 43** shows the process and the standards governing management of two different types of offender, based on the National Standards in force during

our review.⁶⁸ The level of Probation contact with the offender depends on their sentence and tier classification. Performance data has shown risk of harm assessments and sentence plans are not always reviewed in line with National Standards, see **Figure 26**. This may lead to weaknesses in the implementation of the sentence plan and difficulties for longer term research looking at the outcomes of community orders if progress has not been monitored.

4 If requested by the court, an Offender Manager produces a pre-sentence report, which may include an initial risk of harm assessment, to set out for the court the factors underlying offending, the offender's risk of harm, likelihood of re-offending and a proposed sentence. Following sentencing, the Offender Manager will complete a sentence plan which records when court imposed activities will be undertaken and how offending behaviour will be addressed. If the circumstances of the offender have significantly changed since the pre-sentence report, an updated risk of harm assessment will be completed.

25 Offenders are allocated within a four tier structure depending on their risk of harm, which characterises the management approach to be adopted



Source: NOMS Offender Management Team

⁶⁸ National Standards 2005, were effective until August 2007, when new similar standards were introduced.

26 Timelines of risk of harm assessments and sentence plan reviews

Source	Risk of harm assessments			Sentence plan		
	Initial assessment on time (%) ¹	Reviewed at 16 Weeks (%)	Progress reviewed at end of order requirement/after significant change (%)	Plan completed on Time (%) ¹	Reviewed at 16 Weeks (%)	Reviewed on termination (%)
NOMS National data	70	47	Unpaid work: 53 Drug rehabilitation: 56 Programmes: 57 Specified Activity: 66 Supervision: 66	66	44	57
Inspectorate data	72	54	Significant change: 47	n/a	54	n/a

Source: National Audit Office review of 11 published Inspectorate of Probation reports (1,100 case files) and analysis of Ministry of Justice data measuring performance against National Standards (31,500 case files)

NOTE

¹ The timeframe required to complete risk of harm assessments and sentence plans differs according to offender tier (Tier 4 offenders: 5 days and other tiers: 15 days).

5 A community order can come to an end in a number of ways within the timeframe of an order set by the court:

- All requirements are completed as set out in the original sentence;
- Offender fails to comply with requirements and is breached because:
 - two unacceptable failures to attend within a 12 month period; or
 - attending in an unfit or uncooperative state.
- The time period of the order elapses without all requirements being completed;
- Order is revoked by the court because:
 - original order requirements were unsuitable. Court will re-sentence offender;
 - offender committed a further offence while on the order. Court will re-sentence; or
 - the offender has behaved well during the order and made good progress. The court may revoke the order, discharging the remainder of their order.
- Offender dies.

6 Breach proceedings are instigated following an offender's second unacceptable failure to comply with a community order requirement, or when the offender has committed a further offence. There is little awareness of national guidance on acceptable reasons for offender absence and some local Areas have developed their own guidance, see **Figure 27**. If an offender breaches their order, the court can either amend the community order by imposing more onerous requirements, or re-sentence the offender.

27 Extract from South Wales Probation Area guidance on acceptable and unacceptable reasons for absence

Acceptable reasons for absence

- Negotiated in advance: Health appointment, childcare, employment interview or work commitment, significant family event
- Subsequent evidence provided: medical certificate
- Self-certified sickness for period up to seven days and no more than three instances over 12 month period

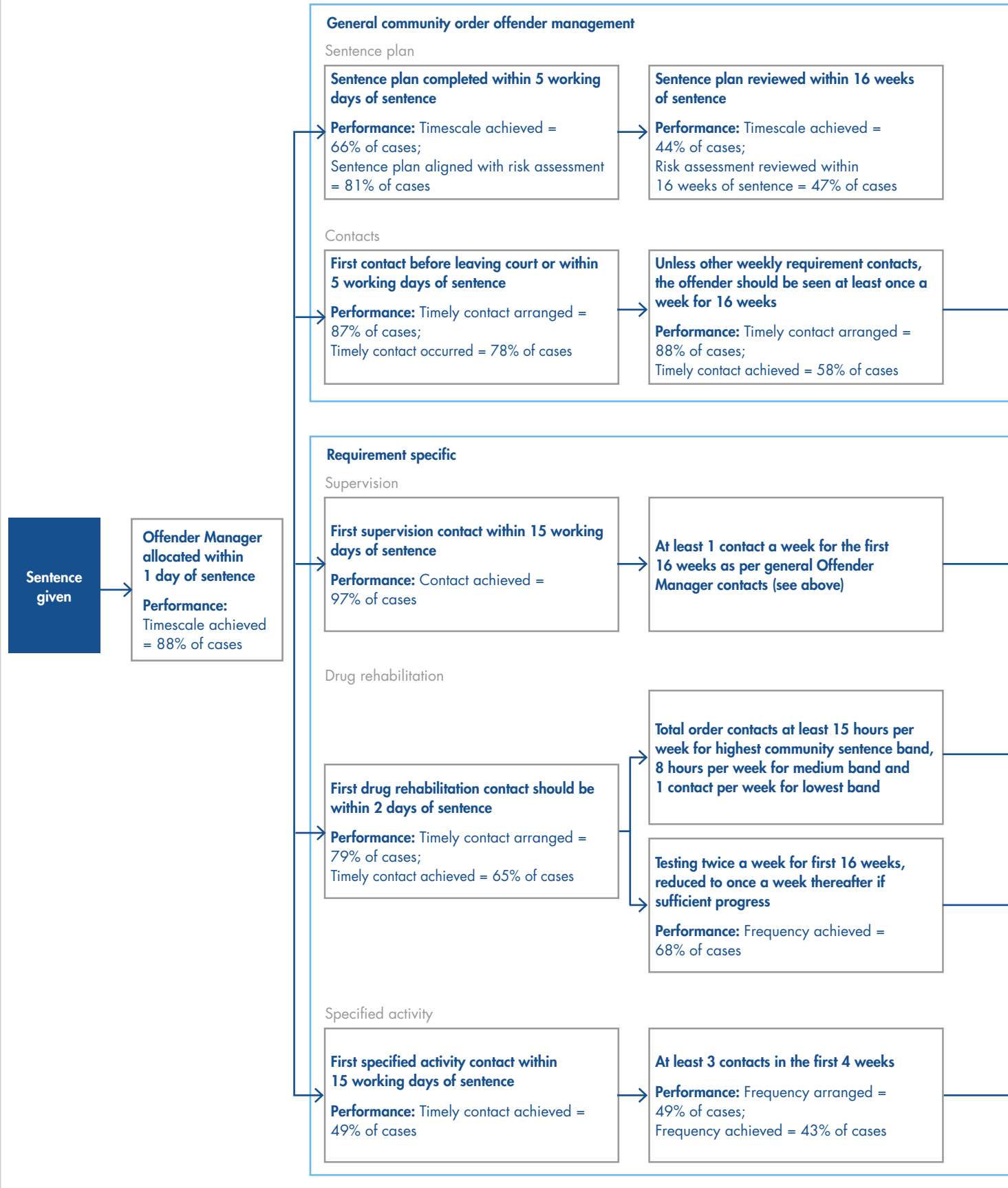
Unacceptable reasons for absence

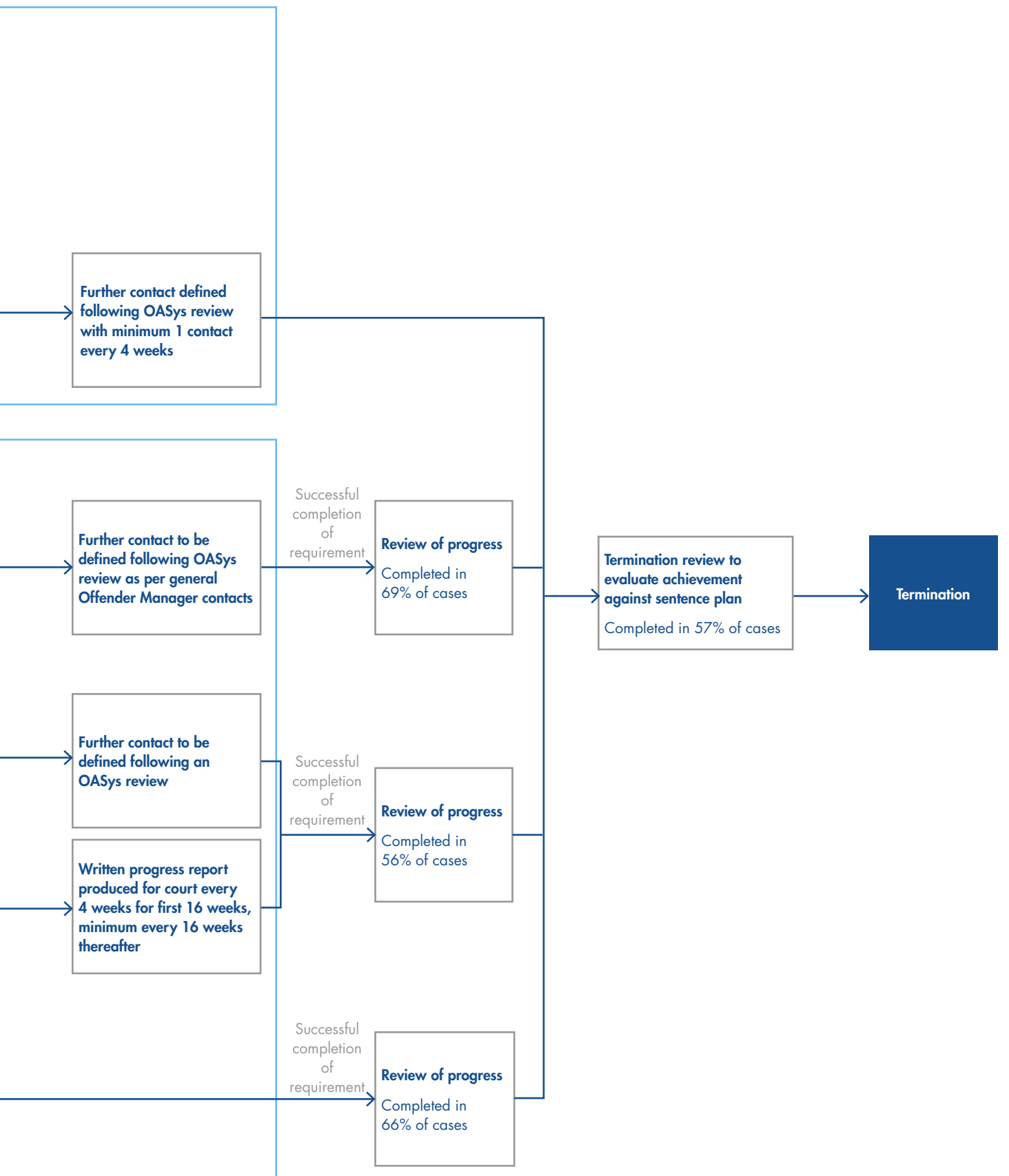
- Could have been avoided through appropriate offender planning
- Inability to attend due to drug or alcohol misuse
- Casual work commitments
- Lack of commitment to order: 'forgot', 'overslept'
- No documentary evidence
- No reason provided within five days

Source: South Wales Probation Area Operational Practice Direction, Acceptable and unacceptable absences

28 Offender process through a community order

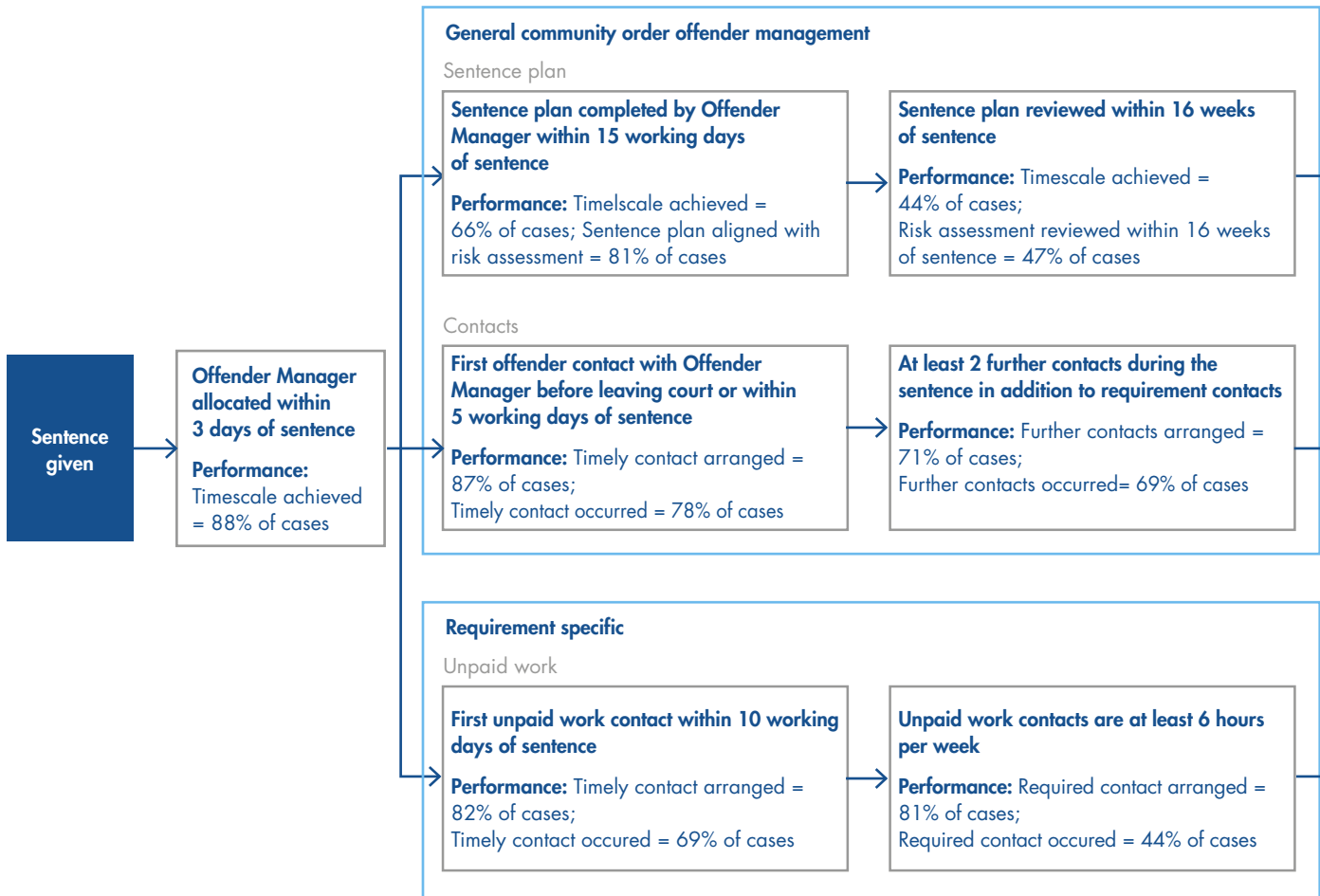
1. Complex sentence: a tier 4 offender sentenced to supervision, drug rehabilitation and specified activity order requirements, successfully completing without breach action





28 Offender process through a community order *continued*

2. Simpler sentence: a tier 1 offender given unpaid work order requirement but not completing sentence due to breach

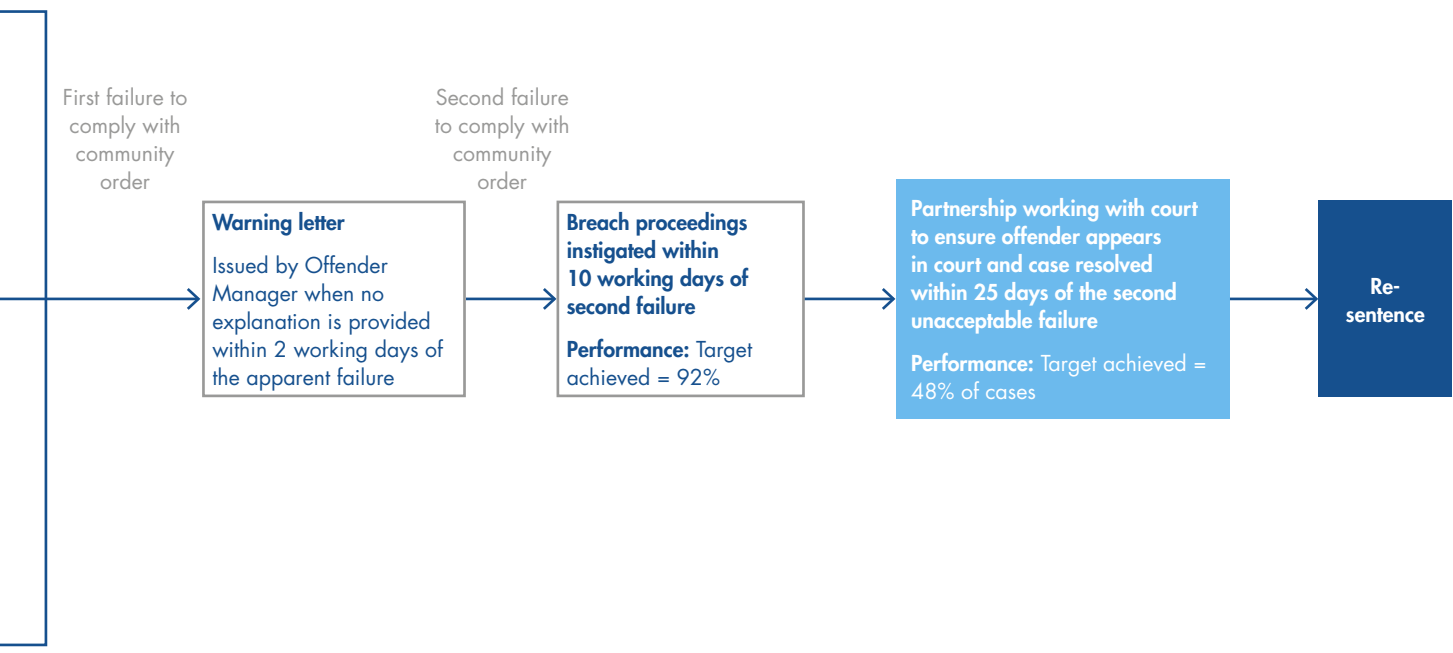


NOTES

Process map based on National Standards directing how Offender Managers should manage offenders and our view of the process developed through costing process mapping.

Performance over 2006-07 has been shown against expected standards of performance as outlined in National Standards.

Performance data reflect results from NOMS N-Smart analysis covering 31,500 case files over 2006-07 (local Areas self-review a sample of cases on a monthly basis to measure performance against National Standards) and *National Probation Service Performance Report 24 2006-07*, June 2007.



Key Court action Relevant probation National Standard and performance against target as per Probation N-Smart performance data 2006-07 Joint Criminal Justice Target Performance as per National Probation Service Performance Report 2006-07, June 2007

APPENDIX TWO

Methodology

1 This study set out to examine whether the supervision of community orders is well managed by the National Probation Service. Within this scope we considered:

- Whether community orders are meeting their sentencing objectives; and
- Whether the 42 local Areas across England and Wales, supported by the National Probation Service and NOMS are implementing community orders efficiently.

Visits to five local Probation Areas to identify challenges faced in delivery of community orders

2 We visited five of the 42 local Probation Areas across England and Wales (Figure 29). These Areas were selected to cover variations in population, region, performance, use and availability of community order requirements. Our selection considered the timing of inspections undertaken by the Inspectorate of Probation and other auditors in order to minimise the burden on Areas. Results from our five local Areas visits are not statistically representative of the national picture but they are indicative of what might be found nationally and they demonstrate the extent of regional variation in practice.

3 During our week long visits conducted over summer 2007, we held semi-structured interviews with senior management, Offender Managers, unpaid work and accredited programmes teams and Finance, Human Resources and Performance Measurement managers. These visits improved our understanding of how community orders work in practice and helped us identify delivery challenges and areas of good practice. The visits have allowed us to reflect both local Area and central views on the management of community orders in our report.

Analysis of 302 offender case files

4 We reviewed 302 offender case files across the five local Areas visited to identify the impact of an order on the offender, activities undertaken as part of the order and challenges to delivery. We chose this sample size because of resource constraints and because we were able to triangulate our findings with data from HM Inspectorate of Probation (641 offender case files) and national data gathered by NOMS (31,500 case files). We did not extrapolate our findings to the national population on the basis of our sample.

29 Five local Areas visited as part of study

Local Area	Region	Reasons
Lincolnshire	East Midlands	Rural; consistent high performer; low use of alcohol requirement
London	London	Large metropolitan Area; manages 13 percent of community orders; low performer; availability of lesser used order requirements
Northumbria	North East	Semi rural-urban; large Area; average performance; low use of alcohol requirement
South Wales	Wales	Urban; average performance; low use of alcohol requirement
Wiltshire	South West	Rural; small Area; average performance; availability of lesser used order requirements (alcohol requirements)

Source: 2006-07 Probation Performance Report (Report 24) June 2007 showing local Area performance and Research Development Statistics NOMS, Criminal Justice Act statistics on use of requirements

Sample selection

5 We randomly selected 320 community order requirements completed during February – April 2007 in the five Areas we visited from data provided by the Ministry of Justice. We sub-divided the population into breaches and successful terminations, and further divided each of these populations into the twelve community order requirements. Sub-groups were stratified by gender and then ethnicity before samples were randomly selected. We selected 35 files from the five most commonly used requirements⁶⁹ which had been successfully completed, up to 15 cases of successful completion for the remaining seven order requirements, and 40 breach cases. Where we could not identify 15 successful completions for the lesser used requirements, we firstly increased our sample of breach cases with those requirements and then made up the rest of the sample size with successful completions for supervision and unpaid work requirements (see Appendix 6). Of the 320 order requirements selected, 18 related to offenders with requirements already selected; these were removed leaving a total of 302 offender case files to be reviewed.

6 At local Areas we reviewed OASys, case management system entries and the hardcopy paper file for each of the cases. We noted, for example, the dates that order requirements commenced, changes in OASys scores and tier and reasons accepted for an offender absence. We did not aim to identify the factors underlying offending behaviour or progress in addressing offending behaviour, on which we are not qualified to comment. Where applicable, findings from our case file review have been triangulated with the results of 641 cases files reviewed by the Inspectorate of Probation, and National Probation Service self-assessment performance data covering 31,500 files. In addition, we analysed the results of our case file review to extract further information on community order requirements not completed before expiration of the order, and problems faced in delivery.

Analysis of HM Inspectorate of Probation Offender Management Inspection reports and sample data

7 HM Inspectorate of Probation kindly provided us with data responses to nine questions we selected from their Offender Management Inspection Programme selected to improve our understanding of the quality of probation work and the outcomes of community order requirements. This data related to 641 case files from 11 Probation Areas visited by Inspectors between May 2006 and April 2007.⁷⁰ The nine questions for which the Inspectorate provided us with data are shown in **Figure 30**.

30 HM Inspectorate of Probation Offender Management Inspection Case Assessment Tool questions for which data was provided to us

- Has the offender been allocated to the correct tier under the Offender Management Model?
- Are unpaid work placements: a) matched to the offender b) suitably demanding c) of benefit to the community?
- Are judgements about acceptability and unacceptability [of absence] consistent and appropriate?
- Have the interventions delivered resulted in the offender moving to: a) a higher tier b) a lower tier c) no change?
- Since being convicted has the offender been: a) cautioned for an offence b) convicted of an offence?
- Have there been benefits to the community as a result of this offender's sentence: a) Unpaid work undertaken b) Reduction in seriousness of offending c) Reduction in frequency of offending d) Reduced threat to victims and potential victims?
- Does this most recent OASys score show an improvement over the initial score?
- Which criminogenic factors in this case were identified at the start of the sentence? Assess progress on the three highest priority issues over the course of the sentence.
- Which of the following objectives of this sentence are being achieved: a) punish b) help c) change d) control?

69 See Figure 1: supervision, unpaid work, accredited programmes, drug treatment and specified activity.

70 Data covered the following 11 Probation Areas: Bedfordshire, Cambridgeshire, Cheshire, Cumbria, Essex, Greater Manchester, Hertfordshire, Lancashire, Merseyside, Norfolk and Suffolk.

8 We analysed the responses and where relevant, triangulated our findings with those from our case file review of 302 offender files and Probation Areas' monthly self-assessment of a selection of cases. The order of Inspectorate visits to local Areas is based on geographical location and samples are selected to ensure a larger proportion of high risk of serious harm cases so the data collected is not nationally representative.

9 We also reviewed 11 published HM Inspectorate of Probation reports⁷¹ to identify offenders', victims' and sentencers' views on community orders, as well as the quality of probation work such as pre-sentence reports and risk of harm assessments.

Costing work

10 Following a competitive bidding process, we commissioned a team of consultants from Accenture to generate estimates of the Probation staff costs associated with delivery of community order requirements and breach of a community order in the five Areas we visited. The work was carried out at the five local Areas visited over summer 2007, through workshops with Probation staff and middle managers, discussions with Finance teams and review of local Area information. Our consultants generated two sets of cost data for community order requirements and one for the cost of breach of a community order.

11 Average cost per offender commencement: 'Top-down' average Probation staff costs per order requirement were generated by estimating the percentage of staff time spent on activities involved in the delivery of individual requirements, and applying this proportion to total Area spend. Workshops with middle management were used to estimate the proportion of total staff time contributing to the delivery of each individual requirement. Middle managers were asked to identify:

- the front line staff groups involved in delivery of community orders;
- the proportion of their time spent on offender management of community orders, other sentences and overhead activities such as internal communications and review of guidance;
- of their time spent on the offender management of community orders, how much time was associated with enforcement of community orders; and
- the proportion of their remaining time spent on different types of community requirements.

12 The proportion of staff time spent managing each individual community order requirement was multiplied by total staff costs, taken from local Area budget submissions for 2007-08, to derive an indicative Probation staff cost for each requirement. This cost was divided by the number of offenders commencing each requirement between January and June 2007. The average costs generated are useful for illustrating the rough cost differences between the different requirements across the five Areas. These cost estimates are presented in Figure 23.

13 Cost per offender profile: Given the fact that the content of community orders varies as do individual offender characteristics and needs, typical offender profiles were developed with the assistance of Lincolnshire Probation staff. For example, profiles were developed for a Tier 3 offender and a Tier 1 offender given unpaid work. The 'bottom up' staff costs were developed through practitioner workshops held to estimate staff time spent dealing with different offender profiles and multiplying these time estimates by the staff cost per minute. This exercise allowed the differences between processes for delivering the same requirement across the five Areas to be identified. These cost estimates have been made available to the Areas we visited and are available, in addition to a more detailed methodology, in the Accenture report 'Costing of Community Order Requirements' which is available on our website: www.nao.org.uk.

14 The estimated cost figures from both processes (top down and bottom up) differ because of the approximate nature of the methods, and issues (common in this sort of exercise) to do with gathering time data from staff which relies on subjective judgements and assumptions.

15 Cost of breach: Process mapping and practitioner workshops were used to generate the indicative Probation staff costs for action taken following an offender's failure to comply with a sentence and the subsequent court action. This was added to 2006-07 unit costs for magistrates' court time⁷² to derive estimated costs of an uncontested and a contested breach.

16 Use of costing data: As the costing work focused on Probation staff costs, the findings can be employed for the following purposes:

- comparing actual activity costs across the five Probation Areas included in the study;
- identifying causes of variation in costs between these Probation Areas;

⁷¹ 11 Offender Management Inspection Reports covering the 11 Areas detailed above.

⁷² Unit cost from HM Court Service. The unit cost of magistrates' court time includes overhead costs so is not directly comparable with the activity costs developed by our consultants but was considered sufficient for the purposes of this exercise.

- providing examples of the profile of resources employed throughout a community order;
- assessing how processes compare in different Probation Areas and identifying potential improvements in efficiency and effectiveness; and
- establishing a foundation for the identification of full unit costs at a local level.

17 However it is **not** appropriate to use the data contained in this report for the following purposes:

- providing representative process and cost data for all 42 Probation Areas;
- presenting full unit costs for the delivery of community orders (i.e. costs which may be used in comparing probation services with alternative providers);
- to indicate the cost of efficient delivery; or
- to indicate the cost of providing services at a level that will achieve the desired offender outcomes.

Analysis of National Offender Management Service data

19 In addition to reviewing caseload and performance data produced by NOMS, we performed our own analysis to draw out trends and relationships relevant to our study. Data analysed included:

- National Probation Service self-assessment data showing performance against National Standards for 31,500 case files. We drew out Area variations and triangulated with findings from our case file review and analysis of Inspectorate of Probation data, see Appendix 6;
- Performance reports. We identified changes in both performance achieved and performance measures used; and
- Caseload data showing availability and use of order requirements.

Consideration of the views of third party organisations

18 During summer 2007 we interviewed the stakeholders listed in **Figure 31**.

31 Stakeholders consulted

Stakeholder	Role	Discussion sought to understand
Magistrates' Association	Represents voluntary magistrates. Promotes uniformity and seeks to educate and instruct magistrates.	Information provided to sentencers by Probation and how this could be improved, and views of lesser used order requirements.
Sentencing Guidelines Council	Develops sentencing guidelines for sentencers and encourages consistency.	How sentencing works.
Justice Clerks' Society	Professional body aiming to improve quality of justice in magistrates' courts.	The role of Justice Clerks, why some order requirements are less used and how information provided to courts could be improved.
NAPO	Trade Union and professional association representing National Probation Service and family court employees.	Key challenges faced by Probation Officers in the delivery of community orders.
NACRO	Crime reduction charity.	The benefits of community orders for offenders.
Probation Boards' Association	Represents and supports Probation Boards. ¹	Key challenges faced by Areas in delivery of community orders.
Department of Health	Aims to improve health and wellbeing of people in England.	Understand the challenges in delivery of alcohol treatment to the public and offenders from the health perspective.

NOTE

¹ Each local Probation Area is governed by a local Probation Board responsible for how the Area is run. This includes employing staff, representing the interests of the local community and forming partnerships with other sectors.

Analysis of existing literature on the effectiveness of a selection of order requirements

20 Following a bidding process, we commissioned RAND Europe to perform a review of existing academic research on interventions similar to those used in community orders for evidence of effectiveness in reducing reconvictions. Individual community order requirements can cover a range of possible interventions, for example: accredited programmes cover a range of topics such as thinking skills, domestic violence or sex offending; and supervision can vary in intensity depending on the risk of serious harm posed by the offender. We therefore agreed with the RAND team a series of well-defined topics for which they would review existing academic literature. These were: unpaid work; education and skills training; anger management; programmes for domestic violence perpetrators; cognitive/behavioural programmes; mental health treatment; drug rehabilitation; alcohol treatment; regular probation supervision; and intensive probation supervision.

21 During summer 2007, reviewers examined International and United Kingdom academic research papers, reviews, systematic reviews and meta-analyses and drew conclusions about the quality of the existing research on our specified topics. They also drew conclusions on the strength of the evidence as to whether these interventions are effective in reducing re-offending.

22 We triangulated the RAND findings with those contained in recent NOMS reviews relevant to community orders.⁷³ The RAND Europe report is available on our website: www.nao.org.uk.

⁷³ *Research evidence on the effectiveness of NOMS adult interventions*, Interventions and Offender Management Team, NOMS Research, Development, Statistics team, July 2007; Hollis R., *Reconviction Analysis of Interim Accredited Programmes Software (IAPS) data* NOMS Research Development Statistics NOMS, September 2007.



APPENDIX THREE

Relevant data for the 42 local Probation Areas

Local Area	Region	2007-08 funding £m	Community order caseload at 31/03/07	Percentage of order commencements in 2006 with 1,2,3 and 4+ order requirements ²				Average hours in unpaid work order
				1	2	3	4+	
Humberside	Yorkshire and Humberside	17.07	1,469	46	34	17	3	115
Lincolnshire	East Midlands	9.21	860	47	35	14	4	125
Leicestershire and Rutland	East Midlands	14.31	1,715	53	34	12	1	124
Dorset	South West	8.38	833	49	36	13	1	123
Nottinghamshire	East Midlands	18.98	1,930	61	32	7	1	112
Northamptonshire	East Midlands	9	1,111	39	36	21	4	118
Dyfed-Powys	Wales	8.22	661	53	36	10	1	116
Gwent	Wales	11.21	1,275	36	34	25	5	117
Cheshire	North West	14.52	1,726	49	37	13	1	136
Staffordshire	West Midlands	16.28	1,962	42	32	23	3	129
Bedfordshire	Eastern	8.76	783	59	34	6	0	124
Devon & Cornwall	South West	20.13	1,652	46	35	16	2	113
Cumbria	North West	8.14	996	51	36	13	1	124
Durham	North East	10.62	1,297	51	36	12	2	114
Sussex	South East	17.08	2,004	51	36	11	1	112
Gloucestershire	South West	7.24	850	44	40	13	3	110
Kent	South East	20.69	2,284	46	33	18	2	106
Wiltshire	South West	7.79	805	44	31	21	4	123
South Wales	Wales	25.06	2,482	53	34	12	1	123

Performance Rank 2006-07 ¹	Area performance against selected 2006-07 targets						Relationship between actual and predicted re-offending rates on an Area basis for periods ending ³ :			
	Target: 90% breach action instigated in 10 days (%)	Offenders obtaining a job during an order or licence (% in relation to target)	Offenders retaining a job for 4 weeks (% in relation to target)	Number of completions during 2006-07 (% in relation to target)			Mar 06	Jun 06	Sep 06	Dec 06
				Programmes	Drugs	Unpaid work				
1	97	146	110	122	122	121	lower	lower	lower	higher
2	97	126	104	83 ⁴	117	116	higher	higher	lower	higher
3	95	143	136	135	156	101	higher	higher	statistically higher	lower
4	95	157	103	124	148	123	higher	higher	higher	equal
5	97	162	144	175	110	112	lower	higher	statistically lower	lower
6	88	147	113	143	103	124	lower	lower	lower	lower
7	97	135	117	122	158	108	lower	higher	lower	lower
8	93	120	102	103	129	108	lower	higher	lower	statistically lower
9	95	144	112	214	144	108	higher	higher	higher	lower
10	96	115	114	109	115	105	lower	lower	statistically lower	lower
11	98	152	116	115	124	130	statistically higher	higher	higher	higher
12	95	150	121	104	136	115	higher	lower	lower	lower
13	98	123	119	113	134	105	lower	higher	equal	lower
14	97	119	135	124	63	151	statistically higher	lower	lower	equal
15	93	143	87	100	103	122	lower	higher	lower	lower
16	97	161	110	131	103	104	statistically higher	higher	higher	higher
17	93	145	153	135	129	123	lower	lower	lower	statistically lower
18	99	121	133	134	104	104	lower	statistically lower	statistically lower	lower
19	95	121	108	102	124	108	higher	lower	lower	statistically lower

Analysis of the 42 local Probation Areas continued

Local Area	Region	2007-08 funding £m	Community order caseload at 31/03/07	Percentage of order commencements in 2006 with 1,2,3 and 4+ order requirements ²				Average hours in unpaid work order
				1	2	3	4+	
Suffolk	Eastern	9.55	785	52	35	13	1	113
Hertfordshire	Eastern	11.17	1,528	46	35	16	2	104
Essex	Eastern	19.8	2,898	51	32	15	1	118
Lancashire	North West	22.89	3,251	54	35	10	1	117
North Yorkshire	Yorkshire and Humberside	10.16	1,048	51	30	16	3	120
Norfolk	Eastern	11.08	1,140	63	26	9	1	122
Derbyshire	East Midlands	13.36	1,430	56	27	15	2	107
Northumbria	North East	27.55	3,329	46	32	18	3	116
Greater Manchester	North West	48.21	6,428	54	37	9	1	123
North Wales	Wales	11.73	1,450	44	34	18	4	125
Merseyside	North West	29.07	3,669	44	36	18	1	120
Thames Valley	South East	25.29	2,973	55	33	10	1	122
Surrey	South East	10.83	928	60	30	9	1	98
Hampshire	South East	23.97	2,944	50	31	16	3	117
Warwickshire	West Midlands	6.86	796	52	35	10	4	111
Cambridgeshire	Eastern	9.63	1,386	56	29	14	2	117
Avon & Somerset	South West	20.57	1,894	39	40	16	3	113
South Yorkshire	Yorkshire and Humberside	24.15	2,608	58	32	10	0	118
West Yorkshire	Yorkshire and Humberside	39.84	4,861	55	35	10	0	111
London	London	143.16	14,883	44	39	16	1	120
West Mercia	West Midlands	15.29	1,628	49	35	12	1	122
Teeside	North East	13.45	1,690	52	38	10	1	125
West Midlands	West Midlands	54.80	7,850	42	41	15	2	117

Source: Performance against selected National Probation Service Targets from Performance Report 2006-07, June 2007. NOMS 2007-08 budget allocation as at December 2007. Research Development Statistics NOMS caseload data 2006. Data on unpaid work hours provided by NOMS Performance Management Unit, April to September 2007.

NOTES

1 The performance rank 2006-07 has been determined by the National Probation Service using a weighted scorecard and performance against published performance targets.

2 Differences in percentages are due to rounding.

Performance Rank 2006-07 ¹	Target: 90% breach action instigated in 10 days (%)	Offenders obtaining a job during an order or licence (% in relation to target)	Offenders retaining a job for 4 weeks (% in relation to target)	Number of completions during 2006-07 (% in relation to target)			Relationship between actual and predicted re-offending rates on an area basis for periods ending ³ :			
				Programmes	Drugs	Unpaid work	Mar 06	Jun 06	Sep 06	Dec 06
20	91	124	116	104	100	138	higher	higher	lower	higher
21	87	142	128	148	117	118	higher	higher	equal	lower
22	95	114	106	117	119	108	lower	higher	lower	equal
23	94	141	143	108	136	104	higher	lower	statistically lower	statistically lower
24	93	126	144	123	88	106	lower	lower	lower	lower
25	94	158	134	105	121	133	higher	statistically lower	lower	lower
26	98	113	108	117	158	108	higher	lower	equal	higher
27	95	115	51	100	147	107	higher	lower	lower	equal
28	89	146	118	94	124	108	lower	statistically lower	statistically lower	statistically lower
29	93	162	182	96	97	112	higher	higher	higher	higher
30	91	126	111	102	79	121	higher	statistically higher	statistically higher	higher
31	90	120	90	127	116	107	lower	lower	statistically lower	higher
32	93	118	104	103	136	108	lower	higher	statistically higher	higher
33	93	171	133	108	146	106	lower	lower	lower	lower
34	99	153	132	98	85	103	higher	higher	lower	higher
35	91	137	125	106	108	109	lower	lower	lower	lower
36	91	125	144	107	129	102	statistically lower	lower	statistically lower	lower
37	93	141	142	102	101	103	lower	higher	higher	higher
38	88	122	106	105	118	101	higher	statistically lower	statistically lower	statistically lower
39	88	128	121	125	126	116	higher	higher	lower	lower
40	95	105	86	101	124	101	higher	higher	equal	lower
41	85	177	159	106	101	103	higher	higher	lower	lower
42	91	108	121	115	90	101	higher	lower	statistically lower	statistically lower

Dark blue bold figures = Near miss

Light blue bold figures = Failed to meet target

³ Reconviction data shows the difference between actual and predicted re-offending rates on a local Area basis based on the number of offenders being convicted or cautioned for an offence at least three months after sentencing but during probation supervision.

⁴ Apparent low completion due to fault in initial target setting acknowledged centrally but not corrected.

⁵ A further £3 million may be allocated across local Area, see Figure 5.

APPENDIX FOUR

Use of community order requirements in 2006

Community order requirements as a percentage of total requirements given in an Area (% breakdown)

Local Probation Area	Residential	Accredited programme	Drug rehabilitation	Alcohol treatment	Curfew	Attendance centre
Avon & Somerset	1	22	6	0	4	0
Bedfordshire	0	12	5	2	2	0
Cambridgeshire	0	14	5	1	3	–
Cheshire	0	21	4	–	5	–
Cumbria	0	14	4	0	8	–
Derbyshire	1	12	5	2	14	0
Devon & Cornwall	1	19	7	0	4	1
Dorset	0	18	5	2	5	–
Durham	–	16	3	0	4	–
Dyfed-Powys	0	19	7	1	2	–
Essex	0	20	5	0	2	0
Gloucestershire	1	21	3	0	3	–
Greater Manchester	0	16	7	0	5	0
Gwent	0	19	6	2	0	–
Hampshire	0	14	5	1	4	0
Hertfordshire	0	14	3	6	4	0
Humberside	0	15	7	3	3	0
Kent	0	16	5	1	1	0
Lancashire	0	17	6	0	7	0
Leicestershire	0	14	6	0	8	1
Lincolnshire	0	16	6	0	2	–
London	0	17	8	3	2	0
Merseyside	0	19	6	0	3	0
Norfolk	0	18	5	0	2	–

Community order requirements as a percentage of total requirements given in an Area (% breakdown)

Mental health	Specified activity	Prohibited activity	Unpaid work	Exclusion	Supervision
0	4	0	31	0	30
0	2	0	38	0	37
1	5	0	38	0	33
0	1	0	31	0	36
0	–	0	33	0	40
0	2	0	32	0	30
0	0	0	32	1	34
0	6	0	32	0	31
0	2	1	28	0	46
0	0	0	28	0	42
0	4	0	36	0	32
0	7	1	27	0	36
0	0	0	33	0	38
0	9	0	28	0	36
0	9	0	34	0	33
0	7	0	28	0	37
0	5	0	32	0	35
1	6	0	35	0	34
0	0	0	28	0	41
0	4	0	32	0	34
1	9	1	27	1	38
1	2	0	32	0	34
0	4	0	28	0	38
0	1	0	46	0	27

Community order requirements as a percentage of total requirements given in an Area (% breakdown)

Local Probation Area	Residential	Accredited programme	Drug rehabilitation	Alcohol treatment	Curfew	Attendance centre
North Wales	1	16	3	0	7	–
North Yorkshire	0	11	4	–	4	–
Northamptonshire	0	20	5	–	1	–
Northumbria	2	20	4	0	7	0
Nottinghamshire	0	11	6	1	4	0
South Wales	0	16	6	1	3	0
South Yorkshire	0	13	5	2	8	0
Staffordshire	0	15	8	4	2	–
Suffolk	0	13	3	0	4	–
Surrey	0	14	6	0	5	–
Sussex	0	15	5	1	3	–
Teeside	0	9	4	–	7	0
Thames Valley	0	18	6	0	2	–
Warwickshire	0	20	4	0	1	–
West Mercia	–	17	5	4	3	–
West Midlands	0	21	5	1	2	0
West Yorkshire	0	14	5	0	10	0
Wiltshire	0	19	6	5	3	–
National	0	17	6	1	4	0

Source: Research Development Statistics NOMS, Criminal Justice Act Statistics, 2006

NOTES

- 1 Local Probation Area totals may not sum to 100 due to rounding differences.
- 2 Where use of a requirement is less than 0.5 per cent, this is shown as 0 in the table above. Where the requirement has not been used at all, this is indicated by a –.

Community order requirements as a percentage of total requirements given in an Area (% breakdown)

Mental health	Specified activity	Prohibited activity	Unpaid work	Exclusion	Supervision
0	11	4	30	2	26
0	16	0	33	0	32
0	8	0	28	0	37
0	3	0	24	0	40
0	2	0	35	0	39
0	3	0	32	0	38
0	1	0	28	0	42
0	7	0	25	0	37
0	–	0	39	1	38
0	0	0	36	0	38
0	3	0	32	0	39
0	6	0	26	0	47
0	4	0	36	0	33
0	5	0	28	0	41
0	2	0	29	0	40
0	2	0	24	0	44
0	0	0	27	0	41
0	5	–	28	–	34
0	3	0	31	0	37

APPENDIX FIVE

Performance measurement framework

Integrated Probation Performance Framework Target	Nature of the target (as determined by the National Audit Office)	Target defined? ¹	Target existing, amended or new ²
Interventions metrics			
Number of offenders starting a drug rehabilitation order	Commencements	Yes	Existing
Number of offenders who start an alcohol treatment order	Commencements	In one Area	New
Number of completions of unpaid work requirements	Completions	Yes	Amended
Number of accredited sex offender treatment programmes completed	Completions	Yes	Existing
Number of accredited offending behaviour programmes completed	Completions	Yes	Existing
Number of accredited programmes for domestic violence completed	Completions	Yes	Existing
Number of offenders who complete drug rehabilitation order	Completions	In one Area	Existing
Number of offenders who complete alcohol treatment order	Completions	No	New
Number of alcohol treatment programmes completed	Completions	No	New
Percentage of offenders retained in drug rehabilitation for 12 weeks	Compliance	Yes	Existing
Number of offenders under supervision sustaining employment for 4 weeks	Outcomes	Yes	Existing
Percentage of offenders where educational need is met as part of sentence plan delivery	Outcomes	No	New
Percentage of offenders that enter employment	Outcomes	No	New
Proportion of offenders that obtain educational achievements	Outcomes	In one Area	Amended
Percentage of unpaid work offender days lost because of stand-downs	Process	Yes	Existing
Percentage of unpaid work hours worked as a proportion of unpaid work hours ordered by the court	Process	In one Area	New
Offender Management metrics			
Percentage of services subcontracted	Commissioning	Yes	Existing
Percentage of orders and licences successfully completed	Completions	Yes	Existing
Percentage of arranged appointments attended by offender in the first 26 weeks	Compliance	Yes	Existing
Percentage of cases reaching 6 months without breach action	Compliance	Yes	Amended
Average number of acceptable absences	Compliance	No	Existing
Number of referrals to Learning Skills Council (in the community)	Other	Yes	Existing
Percentage of offenders living in suitable accommodation at the end of order or licence	Outcomes	In 3 Areas	New

Local Area Service Level Agreement Targets³

South Wales	Wiltshire	Northumbria	London	Lincolnshire
461	90	518	2,426	180
No target	30	No target	No target	No target
1,318	374	1,200	7,030	470
15	24	44	100	20
508	91	599	1,815	147
20	25	40	300	42
150	Reported but no target	Reported but no target	Reported but no target	Reported but no target
Reported but no target	Reported but no target	Reported but no target	Reported but no target	Reported but no target
Target undecided	Target undecided	Target undecided	Reported but no target	Target undecided
75%	75%	75%	75%	75%
350	130	388	2,000	140
Target undecided	Target undecided	Target undecided	Target undecided	Target undecided
Target undecided	Target undecided	Target undecided	Target undecided	Target undecided
272	Target undecided	Target undecided	Target undecided	Target undecided
< 1.5 %	< 3%	< 1 %	< 3%	< 3%
70%	Target undecided	Target undecided	Target undecided	Target undecided
10%	10%	10%	10%	10%
70%	67%	70%	75%	70%
85%	85%	85%	85%	85%
72%	70%	70%	75%	74%
Reported but no target	Reported but no target	Reported but no target	Reported but no target	Reported but no target
	650	2,000	7,278	650
80%	68%	26%	50%	Target undecided

Integrated Probation Performance Framework Target	Nature of the target (as determined by the National Audit Office)	Target defined? ¹	Target existing, amended or new ²																						
<i>Offender Management metrics continued</i>																									
Aggregate change in OASys score	Outcomes	No	New																						
Percentage of offenders re-offending while under Probation supervision	Outcomes	No	New																						
Number of changes in Offender Manager per sentence	Process	No	New																						
Percentage of pre-sentence reports that are nil reports	Process	No	New																						
Delivery against sentence plan outcomes	Quality	No	New																						
Percentage of pre-sentence reports completed to appropriate quality	Quality	No	New																						
Percentage of initial OASys assessments of appropriate quality – Tier 4	Quality	In one Area	New																						
Percentage of initial OASys assessments of appropriate quality – Tier 1-3	Quality	In one Area	New																						
Percentage of initial OASys assessments of appropriate quality – Prolific and Priority Offender cases	Quality	In one Area	New																						
Number of Multi-Agency Public Protection Arrangement offenders by level	Statistical	Not applicable	New																						
Number of deaths in approved premises	Statistical	Not applicable	Existing																						
Percentage of Prolific and Priority Offenders on licence for trigger offence with drug testing condition in sentence	Statistical	No	New																						
Percentage of pre-sentence reports completed on time	Timeliness	Yes	Amended																						
Number of days from breach to resolution of case; percentage of breaches resolved	Timeliness	Yes	Amended																						
Number of days between breach and initiation of breach action; percentage of cases covered	Timeliness	Yes	Existing																						
Percentage of victims contacted within 8 weeks following a sexual or violent offence given a 12 month + sentence	Timeliness	Yes	Existing																						
Percentage of OASys assessments completed on time – Tier 4	Timeliness	Yes	Amended																						
Percentage of OASys assessments completed on time – Tier 1-3	Timeliness	Yes	New																						
Percentage of OASys assessments completed on time – Prolific and Priority Offenders’ cases	Timeliness	Yes	New																						
Percentage of OASys assessments completed on time – custodial cases	Timeliness	Yes	New																						
Number of ‘formal contacts’ between offenders and police/courts within 3 months	Timeliness	No	New																						
Nature of the 44 performance measures																									
Percentage of measures																									
<table border="1"> <thead> <tr> <th>Nature of measure</th> <th>Percentage of measures</th> </tr> </thead> <tbody> <tr> <td>Timeliness</td> <td>20%</td> </tr> <tr> <td>Completions</td> <td>18%</td> </tr> <tr> <td>Outcomes</td> <td>16%</td> </tr> <tr> <td>Quality</td> <td>11%</td> </tr> <tr> <td>Compliance</td> <td>9%</td> </tr> <tr> <td>Process</td> <td>9%</td> </tr> <tr> <td>Statistical</td> <td>7%</td> </tr> <tr> <td>Commencements</td> <td>5%</td> </tr> <tr> <td>Commissioning</td> <td>2%</td> </tr> <tr> <td>Other</td> <td>2%</td> </tr> </tbody> </table>				Nature of measure	Percentage of measures	Timeliness	20%	Completions	18%	Outcomes	16%	Quality	11%	Compliance	9%	Process	9%	Statistical	7%	Commencements	5%	Commissioning	2%	Other	2%
Nature of measure	Percentage of measures																								
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Process	9%																								
Statistical	7%																								
Commencements	5%																								
Commissioning	2%																								
Other	2%																								

Local Area Service Level Agreement Targets³

South Wales	Wiltshire	Northumbria	London	Lincolnshire
Reported but no target	Reported but no target	Reported but no target	Reported but no target	Reported but no target
Target undecided	Target undecided	Target undecided	Reported but no target	Target undecided
Reported but no target	Reported but no target	Reported but no target	Reported but no target	Reported but no target
Target undecided	Target undecided	Target undecided	Reported but no target	Target undecided
Reported but no target	Reported but no target	Reported but no target	Reported but no target	Reported but no target
Target undecided	Target undecided	Target undecided	Reported but no target	Target undecided
85%	Target undecided	Target undecided	Reported but no target	Target undecided
85%	Target undecided	Target undecided	Reported but no target	Target undecided
85%	Target undecided	Target undecided	Reported but no target	Target undecided
Reported but no target	Reported but no target	Reported but no target	Reported but no target	Reported but no target
Target undecided	Target undecided	Target undecided	Reported but no target	Target undecided
Reported but no target	Reported but no target	Reported but no target	Reported but no target	Reported but no target
90%	90%	90%	90%	90%
60% in 25 days	60% in 25 days	60% in 25 days	60% in 25 days	60% in 25 days
90% in 10 days	90% in 10 days	90% in 10 days	90% in 10 days	90% in 10 days
85%	85%	90%	90%	85%
90%	90%	90%	90%	95%
90%	90%	90%	90%	90%
90%	90%	90%	90%	95%
90%	90%	90%	90%	90%
Target undecided	Target undecided	Target undecided	Reported but no target	Target undecided

NOTES

1 Targets considered to be defined where a description of measurement exists within either the Integrated Probation Performance Framework or Service Level Agreement.

2 Whether target existing, amended or new compares the Integrated Probation Performance Framework introduced in 2007-08 to 2006-07 measures reported by Probation.

3 Where no Service Level Agreement target has been shown, reasons for such have been categorised as: 'Reported on but no target' (figures reported by Area although no target in place); and 'Target undecided' (in most cases no target decided as measurement process currently undefined).

APPENDIX SIX

Results from National Audit Office case file review, Inspectorate of Probation and NOMS

	Results from National Audit Office review of 302 case files						Others' data	
	Lincolnshire	London	Northumbria	South Wales	Wiltshire	TOTAL	HM Inspectorate of Probation results	NOMS data
Number offender case files sampled	54	74	59	59	56	302	641	
Covering following requirements								
Supervision	34	57	53	24	43	211	409	
Unpaid work	23	12	22	22	34	113	302	
Accredited programmes	14	12	21	23	18	88	192	
Drug rehabilitation	14	13	10	12	9	58	64	
Specified activities	14	10	10	11	9	54	20	
Curfew	1	7	7	6	5	26	30	
Alcohol treatment	0	5	0	7	7	19	11	
Attendance centres	0	4	1	0	0	5	2	
Mental health	2	8	2	4	1	17	4	
Prohibited activities	3	2	0	0	2	7	0	
Residence	1	2	3	0	0	6	2	
Exclusion	2	2	0	1	0	5	2	
Total	108	134	129	110	128	609		
Findings								
Stand-downs								
Unpaid work stand-downs	0	18	5	0	0	23	–	–
Other requirement stand-downs	0	0	2	0	0	2	–	–
Commencement of order requirements								
Percentage of first unpaid work sessions arranged within 10 days of sentence	48	25	60	60	62	54	–	82
Percentage of specified activity commenced within 15 days of sentence	15	60	0	45	0	30	–	49
Percentage of general offending behaviour programmes commenced within 6 weeks of sentence	0	0	14	36	0	13	–	41

	Results from NAO review of 302 case files					TOTAL	Others' data	
	Lincolnshire	London	Northumbria	South Wales	Wiltshire		HM Inspectorate of Probation results	NOMS data
Offender absences (Percentage of absences reviewed)								
Sick note	16	13	16	13	7	13	–	–
Self-certified sick note	5	8	13	13	13	11	–	–
Childcare and family issues	9	14	10	15	10	11	–	–
Work	15	7	10	7	15	11	–	–
Appointments (medical, solicitor)	10	4	13	6	11	10	–	–
Forgot/confusion/slept in	10	19	6	8	8	9	–	–
Other ¹	5	9	12	7	9	9	–	–
No reason detailed	5	7	5	13	8	7	–	–
Custody/court appearance	5	15	5	8	4	7	–	–
Transport issues	15	3	3	4	6	6	–	–
Cancelled by Probation	4	0	4	4	3	3	–	–
Mental health issues/other worries	2	1	1	0	2	1	–	–
Holiday/home leave	0	0	1	3	1	1	–	–
Offender claim letter not received	0	0	0	0	2	1	–	–
Non-completion of order requirements before expiration of order								
Number of programmes not completed before expiry	1	2	1	4	2	10	–	–
Number of programmes where completion unclear	1	0	1	0	0	2	–	–
Number of specified activities not completed before expiry	0	0	2	2	2	6	–	–
Number of specified activities where completion unclear	2	0	0	0	1	3	–	–
Number of mental health requirements where completion unclear	0	2	0	1	0	3	–	–
Number of alcohol treatment requirements not completed before expiry	0	1	0	1	0	2	–	–
Requirements revoked by court as could not complete	0	0	3	0	0	3	–	–
Outcomes – Change in OASys score during order ²								
Percentage of cases where increase in OASys score	13	23	22	15	13	17	35	–
Percentage of cases where decrease in OASys score	7	20	37	19	38	24	35	–
Percentage of cases where no change in OASys score	7	11	8	17	9	11	48	–
Percentage of cases where OASys not relevant	15	12	10	14	9	12	–	–
Percentage of cases where OASys incomplete or too early to identify progress	57	34	22	36	32	36	–	–

	Results from NAO review of 302 case files						Others' data	
	Lincolnshire	London	Northumbria	South Wales	Wiltshire	TOTAL	Inspectorate of Probation results ¹	NOMS data ²
Outcomes – Reconvictions during order								
Percentage of cases where offender not cautioned/convicted	72	80	54	85	80	74	–	–
Percentage of cases where offender convicted/cautioned	28	20	46	15	20	26	28	–
Outcomes – Change in offender tiers during order ²								
Percentage of cases where moved to lower tier	13	4	19	5	2	9	2	–
Percentage of cases where moved to higher tier	17	3	14	15	4	10	3	–
Percentage of cases where no change in tier	52	35	49	61	75	54	95	–
Percentage of cases where no tier data or incomplete	19	58	2	19	20	23	–	–
Drug order requirements								
Number of drugs tests attended	245	192	258	307	247	1,249	–	–
Percentage of attended drug tests where results unclear	4	26	3	52	53	29	–	–
Percentage of attended drug tests where results which clear negative	44	52	38	18	45	28	–	–
Other								
Percentage of cases where more than one Offender Manager	11	55	25	31	30	32	66	–
Average number of unpaid work hours per order	125	120	116	123	128	118	–	–
Number of requirements seen as inappropriate for offender	2	3	4	2	1	12	–	–

Source: National Audit Office review of 302 offender case files. National Audit Office analysis of findings from 641 case files reviewed by the Inspectorate of Probation as part of their Offender Management Inspections. NOMS data collected through the N-Smart monthly self-assessment review of 20 per cent of local Probation Area cases.

NOTES

- 1 Other reasons for absence considered acceptable include change of offender address, circumstances beyond offender's control and order near expiration.
- 2 A decrease in OASys scores and offender tier during the order shows improvement in offending behaviour.
- 3 Differences in percentages are due to rounding.

APPENDIX SEVEN

The twelve community order requirements

Order requirement	Percentage of total requirements issued in 2006 ¹	Indicative average Probation staff cost (costing work) ²	Recent research findings	Is a performance indicator in place?	Performance against measure/target
Supervision	37	£650	<ul style="list-style-type: none"> ■ Intensive supervision increases programme participation. Mixed evidence of impact on re-offending; ■ Less intensive supervision may increase technical violations and not impact re-offending. 	Yes: performance measure for number sessions arranged	<ul style="list-style-type: none"> ■ In 88% of cases, required number of appointments arranged in first 16 weeks; ■ 58% of these attended
Unpaid work	31	£780	<ul style="list-style-type: none"> ■ No recent reviews; ■ Older research shows no difference in re-offending with those incarcerated; ■ Offenders view more positively than other interventions. 	Yes: completions	<ul style="list-style-type: none"> ■ 2006-07: 55,514 unpaid work completions (111% of target)
Accredited programmes	17	£1,790	<ul style="list-style-type: none"> ■ Actual reconviction rate for those completing (38%), commencing (64%) and referred to programme (61%) is lower than predicted rates (51%, 67% and 65% respectively); ■ General offending behaviour programmes: positive effect on reconviction in line with treatment quality; ■ Inconclusive evidence on other programmes, although tentative evidence anger management programmes effective. 	Yes: completions	<ul style="list-style-type: none"> ■ 2006-07: 19,875 programme completions (114% of target)

Order requirement	Percentage of total requirements issued in 2006 ¹	Indicative average probation staff cost (costing work) ²	Recent research findings	Is a performance indicator in place?	Performance against measure/target
Drug rehabilitation	6	£1,920	<ul style="list-style-type: none"> Most treatments reduce re-offending, although intensive treatment more effective; No research on other outcomes. 	Yes: commencements and completions	<ul style="list-style-type: none"> 2006-07: 15,799 starts (99% of target) 2006-07: 5,939 completions (119% of target)
Curfew	4	£1,100	<ul style="list-style-type: none"> International evidence shows curfews do not reduce re-offending, but ensure compliance. 	No	
Specified activity	3	£750	<ul style="list-style-type: none"> Limited UK research, international studies found no statistically significant effect on re-offending, although programmes allow offenders to obtain skills rather than employment. 	No	
Alcohol treatment	1	£1,670	<ul style="list-style-type: none"> Limited evidence base that treatment leads to reduction in re-offending, reflecting government focus on illegal drugs rather than alcohol misuse. 	Some Areas: completions	
Attendance centre	< 1	Not applicable	<ul style="list-style-type: none"> No evidence identified. 	No	
Mental health treatment	< 1	£3,703	<ul style="list-style-type: none"> Limited evidence base; Recent studies show treatment reduces re-offending compared to traditional prosecution. 	No	
Prohibited activity	< 1	Not applicable	<ul style="list-style-type: none"> No evidence identified. 	No	
Exclusion	< 1	Not applicable	<ul style="list-style-type: none"> No evidence identified. 	No	
Residence	< 1	Not applicable	<ul style="list-style-type: none"> No evidence identified. 	No	
	100				

Source: Probation Performance Report 24 2006-07, June 2007. RAND literature review, undertaken as part of study, and Research Evidence on NOMS Interventions (RDS paper). Indicative cost figures from Accenture costing work undertaken as part of study.

NOTES

1 RDS Commencements data on 203,323 requirements issued over 2006, excluding stand alone curfews not under probation supervision.

2 Figure constitutes average cost across five local Areas visited as part of study, derived by adopting top-down approach and understanding how staff groups contribute to delivery. The accredited programme cost only considers the cost of a Drink Impaired Driving programme given this was the only programme delivered across five Areas and other programmes would have been more complex to address given our time constraints. The supervision cost relates to an order containing a single supervision requirement, not combined with other order requirements.

APPENDIX EIGHT

The introduction of commissioning and contestability

The Offender Management Act 2007 introduced contestability into probation

1 The Offender Management Act 2007 will introduce commissioning and contestability into the provision of probation services, including community orders, bringing in other providers from the private and voluntary sectors.⁷⁴ This should improve the quality and value for money of probation services by increasing competition and “giving existing and new providers the opportunity to show how they can deliver best value.”⁷⁵ In August 2006, a target was introduced requiring Probation Areas to subcontract ten per cent of their services to the private and voluntary sector during 2007-08.⁷⁶

2 A successful move to full commissioning and contestability requires commissioners to know, amongst other things:

- What efficient delivery by Probation looks like (and whether there is an optimum size and structure of Probation Area in terms of value for money);
- The Probation Service’s capacity to manage offenders; and
- The full Probation Service cost of managing offenders to give an idea of what services ‘should cost’.

3 Without this information there is a risk that existing probation services cannot be shown to represent good value for money. This information is also necessary to enable commissioners to compare bids from alternative providers on value for money grounds.

4 A recent Department of Health report identified a number of conditions necessary for successful commissioning. The thinking behind commissioning is more advanced in health than in many other public services, including probation. **Figure 32 overleaf** presents our assessment of the NOMS progress to date in achieving these conditions. Further work is required on all the conditions before NOMS will be fully ready for commissioning, although progress has been made in some areas in the short time since the introduction of the Offender Management Act in July 2007, such as forging links between commissioners and local Areas.

74 The Act states that court work currently done by probation will not be provided by a non-public sector body. Ministers have also given the commitment that until at least 2010 this will be the same for offender management services.

75 Ministry of Justice, *Penal Policy – A background paper*, May 2007.

76 NOMS, *Improving Prison and Probation Services: Public Value Partnerships*, August 2006.

32 Conditions for successful commissioning

Condition for successful commissioning

- 1 Commissioners with appropriate procurement and performance management skills.
- 2 Provider involvement in planning to maximise market interest and improve chances of successful delivery of services.
- 3 Consistent processes in commissioning regimes, timetables and budget setting.
- 4 Services procured which address user needs. Clearly specified outputs and outcomes which meet those needs.
- 5 Ability to map service requirements against workforce capacity in order to ensure services can be delivered.
- 6 Procurement process allows for diversity of providers to encourage as many bids as possible and maintain competitive tension.
- 7 Commissioner has an idea of what services 'should cost' and what is affordable. Contract price allows full-cost recovery (i.e. includes overheads).
- 8 Longer term contracts used which support providers' planning and investment.
- 9 Close liaison between commissioners and contract managers to ensure contracted services are delivered in practice.
- 10 Clear performance management system with suitable incentives and penalties for good and poor performance; reporting requirements proportionate to contract size.
- 11 Users involved in monitoring and feedback.

Current situation in Probation

Some progress: Regional Offender Managers are in place, some with previous commissioning experience. Regional Offender Managers' experience of commissioning in prisons is more advanced.

Some progress: Limited negotiations already take place between Regional Offender Manager and local Probation Areas. Due to the current stage of the commissioning agenda, there has been limited involvement of voluntary and private sector providers to date.

Work required: 2008-09 will be the first year commissioning will be fully up and running. As of yet, not all local Areas have appropriately skilled staff or robust budget setting and monitoring in place (see paragraph 4.34).

Work required: Offenders: some community order requirements which address key factors influencing offending behaviour are not available in some Areas, e.g. alcohol treatment and mental health treatment (see paragraphs 3.29–3.33).

Courts: limited communication between courts and commissioners (see paragraph 4.17).

Work required: Capacity for implementing community orders is not known (see paragraphs 4.1–4.3).

Not yet in place: Fully operational commissioning is not yet up and running. Commissioners will need to ensure they are not predisposed towards known providers, and that smaller providers are not precluded by their size from bidding for work. The majority of services will be commissioned at the local level.

Work required: Full cost of implementing community orders at local Probation Areas not known (see paragraphs 4.4–4.9).

Work required: Three year budget cycles and contracts are being introduced for newly created Probation Trusts, from April 2008. Areas without Trust status remain on an annual budget (see paragraph 4.33). Service Level Agreements are currently annual.

Work required: Senior management of the Areas we visited generally reported effective relationships with Regional Offender Managers. Established links between Areas and some local providers have existed for some time but relationships with other providers have yet to be formed.

Work required: Current reporting requirements burdensome; data not reported on completion of orders as sentenced by the court (see paragraphs 3.4 and 4.22–4.32).

Work required: Offenders provide feedback on unpaid work but not on other requirements or their order overall. Sentencers could be provided with more information on local resources and outcomes.

Source: Commissioning conditions adapted from No excuses. Embrace partnership now – Step towards change, Third Sector Commissioning Task Force (page 7) Department of Health, July 2006. National Audit Office assessment of Probation Service

NOTE

Commissioning in the context of probation, means specifying, buying and monitoring services to satisfy needs. Contestability means ensuring the market is open to a number of potential providers in order to secure the best value for money option.

GLOSSARY

Breach	An offender breaches their community order if: they fail to attend when required without good reason twice in a twelve month period; they attend in an unfit or uncooperative state; or they commit a further offence whilst on the order.
Commencements	The number of offenders commencing a community order, as recorded in local Area probation records over a given period.
Community order	Introduced by the Criminal Justice Act 2003, the order is a sentence served in the community by adult offenders which can comprise one or more of twelve different requirements.
Community sentence	Term encompasses the community order and other sentences served by adult and juvenile offenders in the community.
Intervention	An activity such as unpaid work or drug rehabilitation which forms part of a community order or licence conditions.
Integrated Probation Performance Framework	Performance measurement system introduced in 2007-08, incorporating 60 measures against which local Areas report on a monthly basis.
Multi Agency Public Protection Arrangement (MAPPA)	High risk of serious harm offenders are allocated to this scheme and monitored through regular meetings between organisations in contact with the offender, such as Probation, Police and social services.
Offender Manager	The Probation Officer responsible for day to day management of the offender throughout their order or licence term.
OASys	Electronic database allowing standardised assessment of factors linked with an offender's offending behaviour and risk of serious harm they pose. Derives an individual offender score which assists identification of appropriate work to be undertaken with the offender.
National Offender Management Service (NOMS)	Part of Ministry of Justice overseeing the management of offenders serving their sentence in either custody or the community.
National Standards	Prescribe how Offender Managers should supervise offenders and implement sentence requirements on a day to day basis.
N-Smart	Monthly data collection exercise, where local Areas self-assess 20 per cent of their caseload and report against National Standards.
Regional Offender Manager (Director of Offender Management in Wales)	Responsible for commissioning probation services at a regional level.

Requirements	Each community order is composed of one or more of twelve requirements such as unpaid work, or supervision by Probation staff. A full list is shown in Figure 2.
Risk of Serious Harm	Assessment of the likelihood that an offender may behave in a manner that causes physical or psychological harm to others or him/herself. Distinct from likelihood of re-offending.
Sentencers	Includes magistrates and Crown Court judges responsible for handing down sentences.
Stand down	Occurs when an offender attends to complete their activity as instructed but is unable to perform the activity because of a lack of Probation capacity, for example a lack of transport or insufficient unpaid work supervisors.
Service Level Agreement	Agreement between Regional Offender Managers (Director of Offender Management in Wales) and local Probation Areas setting out the level of service to be provided and associated targets.
Tier	Each offender is allocated a tier between 1 and 4 based on their proposed risk of serious harm to others and themselves. Tier 4 is for the most serious (high risk of harm) offenders.

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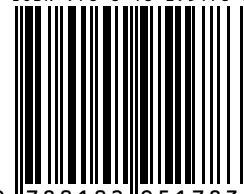
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